No. 11861

United States
Circuit Court of Appeals
For the Ninth Circuit.

J. D. GREGG,

Appellant,

vs.

HENRY WALLACE WINCHESTER, ERNEST JOSEPH STEWART, et al.,

Appellees.

Transcript of Record
In Two Volumes
VOLUME I
Pages 1 to 312

Upon Appeal from the District Court of the United States for the Southern District of California, Central Division

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* Page numbering appearing at foot of page of original certified Transcript of Record.

In the United States District Court, Southern District of California, Central Division

No. 7765-PH

HENRY WALLACE WINCHESTER, ERNEST JOSEPH STEWART, HAROLD ARTHUR SLACK, PHILIP ARANA, RAY BIEDERMAN, SONIA LUZI BAUMGARTNER, RAY VILLARREAL, HIRAM LYMAN BANISTER, ROBERT LEROY HALLSTROM, GEORGE MANUEL VILLARREAL, RALPH FREDERIC LEE, JAMES EDGAR ANDREW, MILDRED ESTHER KNOWLES, EVA EVADUE FOX, MARY BURGER CHAMBERLAIN, RUTH ANNE CHESWORTH, JOHN ALBERT McCULLOUGH, GRACE MULLINS, OSCAR LANDIS, ATHALIA FARLEY WORST, FRANCES ADAIR, ESTHER MAY WINKLER, ANSON PITCHER, JOHN DUNKINFIELD, LECIL CANTRELL, MARGARET LITTEN, LYLE JASON DEWEY, RIGNALD ALLAN SHARP, WALTER ASA BRANDON, ANITA CLANCY BRANDON, HARRY RAY CLARK, SEABROOK GRUNSHAW, MARY JANE EIFFLER, ZOLA BADOLAS, BENSON LOUIS BARDWELL, WALTER HAROLD STAMATS, EDWARD KLOPFENSTEIN, CLYDE PHEREAL CHANEY, DARIUS LEARA BLADES, ERMA EVELYN IMAN, WILLIAM WILKINSON, FRASER HAGLEN, KENITH DUANE

RAMINES, HIGH GILLIS, HENRY MOECKLY, MORTON THOMPSON, DAVID HOBBS, MARY ELLEN YATES, MANOAH PORTER, and GERRY DELL'OLIO,

Plaintiffs,

vs.

J. D. GREGG, and the CITY OF LOS ANGELES, a municipal corporation,

Defendants.

COMPLAINT IN EQUITY FOR INJUNCTION, AND DAMAGES

Plaintiffs complain and allege:

I.

That this action arises under the Constitution of the United States and particularly under the Fifth and the Fourteenth Amendments to said Constitution, as hereinafter more fully appears.

II.

That matters herein complained of arise out of the same series of transactions and present questions of fact and law which are common to all of the plaintiffs herein, as more fully hereinafter set forth.

III.

That these plaintiffs do not have, and none of them has, any plain, speedy or adequate remedy at law.

IV.

That said defendant City of Los Angeles, is, and at all times herein mentioned, was, a municipal corporation organized and existing as such under a municipal charter.

That said defendant John D. Gregg is the owner and in possession of that certain real property, comprising about one hundred and fifteen acres situated in the City of Los Angeles, County of Los Angeles, State of California, described as follows, to wit:

> Lots 1, 2, 4, 5, 6, 7, 13 and 14 in Block 19; the Easterly 150 feet of Lot 12 in Block 18; Lots 4 to 9 inclusive, and Lots 15 to 19 inclusive, and Lots 21 and 22, and the Easterly 280 feet of Lot 14, in Block 17; of the Los Angeles Land and Water Company's subdivision of a part of the Maclay Rancho as per map recorded in Book 3 of Maps at Pages 17 and 18 in the Office of the County Recorder of Los Angeles County, California.

That said land, colored in red and designated as the "Critical [3] Area," is shown upon a map marked Exhibit "A" which is hereunto attached and made a part hereof. That said land is hereinafter referred to as the "Critical Area."

V.

That said map is a substantially correct representation of the area covered thereby upon a scale of one inch to each one thousand lineal feet thereof. That the area upon said map which is enclosed within a red line, which line is not more than about

three thousand feet from the various extremities of said "critical" area, and upon the westerly side thereof, follows the easterly boundary of an area shaded in yellow which is designated as an "Unrestricted Area," is herein referred to as the "Community" area, said "Community" area embracing about one and one half square miles. The entire area shown upon said map is herein referred to as the "Map" area. That as a convenience in folding, the top of said map as attached hereto is west.

That each of the areas confined by narrow parallel lines and designated as a named street upon said map, is, and for more than five years continuously last past, has been, a public highway regularly dedicated, improved, and used as such. That said public highways which are shaded in green upon said map, are, and for more than five years continuously last past, have been, improved with a concrete pavement. That said paved highways within said "Community" area are seven and eighty-four hundredths miles in length, and the unpaved highways within said area are five and one-half miles in length.

That the area shaded in green and designated as a "Community Park" upon said map, contains fifteen acres of land, and is, and ever since 1928, has been, a public park, improved and maintained as such by the Park Department, and under the management of the Playground Commission, of said defendant City of Los Angeles, and extensively used as such by the inhabitants of the area shown upon said map. [4]

That the area shaded in green and designated as a "School" upon said map, contains about four acres, and is, and continuously since during the year 1942, has been, a public kindergarten and elementary grade school, improved and maintained as such by the Board of Education of said defendant City of Los Angeles, and used as such by the pupils of kindergarten and elementary grade age residing in said community.

That the area shaded in green upon said map, and designated respectively, as "Community Chapel" and "Community Church," which church is on the Sunland Boulevard, are, and for more than five years continuously last past, have been, owned, improved, and used, as places of public worship for the residents of said "Community" area, and the area shaded in green, marked "Community Church," and which lies between said "School" and said "Park," upon said map, is, and for more than eighteen months last past, has been, under improvement as a place for public worship.

That the area lying westerly of Randall Street, and southerly of the southerly line of said "Community" area, which line parallels Glenoaks Boulevard, is, and ever since about February, 1933, has been, zoned to permit the commercial excavation and production of rock aggregates, and is referred to as an M-3 zone.

That said defendant John D. Gregg began during, or about, the year 1934, and subsequent thereto has accomplished, the excavation of rock, sand, and gravel upon about thirty-five acres of a sixty-two

acre tract of land, owned by him, and lying within said M-3 zone and distant about three hundred feet southerly from said Glenoaks Boulevard, and immediately southerly of the boundary of said "Community" area as it passes that portion of said "Critical" area which extends southerly from Glenoaks Boulevard. That said defendant maintains upon said land, machinery, equipment, and other facilities, for the excavation of such materials and the processing thereof for market.

That all of the areas shaded in black upon said map, are, and on October 2, 1946, were, and most of them have been for more than [5] five years continuously last past, improved, occupied, and used, as family homes for human residents. That said homes number three hundred and fifty-nine within said "community" area, and nine hundred and ninety-two within the area covered by said map.

That the lands shaded in yellow and designated as an "Unrestricted" area upon said map, and the easterly boundary of which is the westerly boundary of said "Community" area, lie within the natural channel of an ancient watercourse commonly known as the east branch of the "Tujuna Wash," and are, and always have been, unrestricted as to their use for the commercial production of rock, sand, and gravel.

VI.

That during the year 1914 the Los Angeles Land and Water Company, a California corporation, hereinafter referred to as the "Land Company,"

was the owner and in possession of a tract of land comprising about three thousand acres, which included the land lying within said "Community" area, and the lands lying within said "Unrestricted" area, and other lands adjacent to said areas.

That during said year, and while the owner of said lands, said land company caused said lands to be surveyed and classified in respect of their natural adaptability for residential, horticultural, and agricultural, development and use, and for the commercial production of rock, sand, and gravel.

That in and by said survey and classification said land company classified the lands lying within said "Unrestricted" area as naturally adapted to the commercial production of rock, sand, and gravel, and classified the remainder of its said lands, including the lands situated within said "Community" area as naturally adapted to residential, horticultural, and agricultural, development and use.

That the commercial production of rock, sand, and gravel, was then, at all times since has been, and now is, the highest, best, and most valuable, use to which said lands so classified for such use, as aforesaid, were adapted, for the reasons that said lands lie within [6] the natural channel of said ancient watercourse; are constituted of rock, sand, and gravel of commercial quality and in commercial quantity, which materials are overlaid with a very thin structure of unproductive soil, or are altogether exposed, and that a pit excavated thereon for the production of said materials was, until the completion of the Hansen Dam in 1942, susceptible to

refilling by the discharge of water, rock, sand, and gravel, which occurs annually in the upper reaches of said watercourse.

That the residential, horticultural, and agricultural, development and use of said lands, including all of the lands within said "Community" area, so classified, for such use, as aforesaid, then was, at all times since has been, and now is the highest, best, and most valuable, use to which said lands are adapted, for the reason that said lands do not lie in the natural channel of any watercourse; are overlaid with a stratum of productive sandy loam; are upon a gently sloping plane with a slightly undulating surface; are within an area of moderate climatic changes, and of climatic conditions favorable for human residence and for plant growth, and are substantially improved for residential use, by homes, churches, schools, parks, paved highways, and public utilities.

That there are now, and for more than three years continuously last past there has been, more than 1650 persons residing within said "Community" area, and more than 7500 persons residing within said "Map" area. That 218 of the 1650 persons residing within said "Community" area, now are, and on October 2, 1946, were, children between the ages of four years and thirteen years and 110 of the said 1650 persons are, and on said date were, children between the ages of twelve years and seventeen years.

VII.

That thereafter, during the year 1914, said land company executed a contract for the sale to Fernando Valley Development Company, a corporation, of about twenty-two hundred acres of said [7] land, including the lands within said "Community" area, so classified as best adapted to residential, horticultural, and agricultural development and use, as aforesaid, and thereupon, and during said year, said corporations caused to be prepared, executed, and recorded in the office of the County Recorder of Los Angeles County, California, a declaration in writing by which the commercial production of rock, sand, and gravel, within or upon said lands so classified as best adapted to residential, agricultural, and horticultural development and use, including the lands which comprise said "Community" area, to wit, until April, 1934. That said restrictions remained in full force and effect throughout said twenty-year period.

VIII.

That on or about the 11th day of April, 1918, the lands which comprise said map area and a large body of lands adjacent thereto on all sides, were annexed to said defendant city.

That thereafter, to wit, during the year 1925, nearly nine years before the expiration of said private restrictions, said defendant city enacted its zoning ordinance Number 52,421, whereby the lands which comprise said community area were restricted to residential use and development, and, operations

for the commercial production of rock, sand, and gravel, were excluded therefrom.

That said ordinance remained in effect as to said lands in said "Community" area until superseded by Zoning Ordinance Number 74,140 enacted by said defendant city and effective October 27, 1934.

That said ordinance number 74,140 restricted the lands within said community area to residential development and use, and prohibited therein or thereon any operations for the production of rock, sand, and gravel. That said ordinance remained in force until superseded by a comprehensive zoning ordinance, number [8] 90,500, which became effective on June 1, 1946.

IX.

That in June, 1926; May, 1927; on August 15, 1927, and August 27, 1927, said defendant city by its enactment of its ordinances numbers, respectively, 55,129; 57,958; 58,624, and 58,775, expressly reaffirmed its zoning classifications of said "Community" area as a residential area, and its exclusion therefrom of operations for the commercial production of rock, sand, and gravel.

X.

That in 1934, C. S. Smith and Wm. Evans made written application to the Planning Commission of the defendant city, for a variance permit to conduct operations for the commercial production of rock, sand, and gravel, upon lots 9 and 10, in block 22, within said "Community" area. That said application was denied by said Planning Commission, by

the unanimous votes of its members, on August 24, 1934.

That thereafter Claire Schweitzer made written application to said Planning Commission for a variance permit to conduct operations for the commercial production of rock, sand, and gravel upon lots 5, 6, 7, 13, and 14, in block 19, within said "Community" area. That said application was denied by said Planning Commission, by the unanimous votes of its members, on July 7, 1936. That an appeal was taken by said applicant, from said denial, to the City Council of said defendant city, and upon September 18, 1936, said appeal was denied by said City Council. That the land as to which said variance permit was sought, comprises about twenty-five acres and lies in about the center of said "Critical" area.

That thereafter H. I. Miller made written application to said Planning Commission for a variance permit to conduct operations [9] for the commercial production of rock, sand, and gravel, upon lots 5, 6, 7, 13, and 14, in block 19, within said "Community" area. That the land as to which said variance permit was sought, comprises about twenty-five acres and lies in about the center of said "Critical" area. That said application was denied by said Planning Commission by the unanimous votes of its members, on July 7, 1939. That an appeal was taken by said applicant, from said denial, to the City Council of said defendant city, and upon September 25, 1939, said appeal was denied by said City Council.

That thereafter said defendant John D. Gregg made written application to said Planning Commission for a variance permit to conduct operations for the commercial production of rock, sand, and gravel upon lots 12 and 24 in block 18, within said "Community" area. That said application was denied by said Planning Commission, by the unanimous votes of its members, on January 25, 1940. That said lot 12 of the land as to which said variance permit was then denied, is that part of said "Critical" area which lies southerly of Glenoaks Boulevard.

That thereafter F. H. Haines made written application to said Planning Commission for a variance permit to conduct operations for the commercial production of rock, sand, and gravel, upon lot 7, in block 20, within said "Community" area. That said application was denied by said Planning Commission by the unanimous votes of its members on March 11, 1941.

That thereafter Sam and Pauline Katz made written application to said Planning Commission for a variance permit to operate a riding academy upon a parcel of land 170 feet wide and 470 feet deep, at number 9821 Stonehurst Avenue, at the junction of said avenue with Art Street, within said "Community" area, and that said application was denied by said Planning Commission by the unanimous votes of its members, on November 28, 1945.

XI.

That during, or about, the year 1928, residents within said [10] "Community" area, and in territory adjacent thereto, petitioned the Park Commission of said defendant city, that an election be called for the purpose of voting upon a proposition to issue bonds as a lien upon the real property within said area, to secure money with which to purchase land within said "Community" area, and to improve the same as a public recreation and assembly center. That thereupon said election was called and held, and said bond issue was approved, and the bonds thus authorized were issued and sold.

That thereupon the area which contains about fifteen acres, and which is shaded in green and designated "Community Park," upon said map, and which lies immediately across a forty foot street from said critical area, was improved with landscaping and plantings; outdoor recreational facilities, and an Administration and Community Club House building, fully furnished. That said building, last named was erected in 1931, and today it would cost more than $50,000 to duplicate. That the cost of said land and improvements was in excess of $50,000 and they could not be duplicated now for less than, and are reasonably worth, $100,000. That the monies obtained from said bond issue, together with other monies available to said Park Commission were used for the purchase and improvement of said property.

That a substantial part of the principal sum of said bonds is unpaid. That said unpaid balance will

mature in installments, annually, during the twelve years next ensuing, and constitutes a lien upon all of the real property within said "Community" area including the lands owned by each of the plaintiffs named herein.

That at the time when the residents of said "Community" area petitioned for said election, and voted for said bonds, as aforesaid, they knew, and the facts were, that the land holdings of said land company had been surveyed, classified, and restricted, as aforesaid, and that said defendant city, by the enactment of its zoning ordinances, as aforesaid, had encouraged the development of said [11] "Community Area" for residential purposes, and had prohibited any extension within said "Community" area, of any operation for the commercial production of rock, sand, and gravel, within said area, as aforesaid, and that lands within said "Community" area had been sold, and were being sold, upon and subject to said restrictions and zoning which prohibited the conduct thereon of any operation for the commercial production of rock, sand, and gravel, as aforesaid, and that said "Community" area was being developed and used as a residential area, in reliance, upon said restrictions and prohibitions.

That at the time of the making of said petition, and the voting of said issue of bonds, said residents of said "Community" area understood and believed, by reason of the matters herein alleged, that said "Community" area would continue to be developed and used as a residential area within which operations for the commercial production of rock, sand,

and gravel, would be prohibited, and had it not been for such understanding and belief said petition would not have been made, and said bonds would not have been voted.

That the recreational facilities established, as aforesaid, have been maintained constantly since their inception, and are now maintained, under the management and supervision of the Playground Commission of said defendant city, and they always have been, and are extensively patronized and used by the residents of said "Community" area, and of the territory adjacent thereto, including numerous children of kindergarten and elementary grade school ages. That the attendance upon said facilities by said residents during the year last past has been, and now is, from a minimum of 110 to a maximum of 800 persons each day, and from a minimum of 1000 to a maximum of 2000 persons each week.

XII.

That for many years prior to the year 1942, and until abandoned during that year, as herein alleged, the Los Angeles City Board of Education maintained and conducted a public kindergarten, and elementary grade school, commonly known and referred to as the Remsen [12] Avenue School, on Ramsen Avenue, now Glenoaks Boulevard, at the northeast corner of its junction with Truesdale Avenue, adjacent to said "Unrestricted" area. That the site of said school prior to its abandonment, as herein alleged, is shown upon said map as a hatched area designated as "Abandoned School."

That during the year 1942, residents of the area, including said "Community" area, whose children attended said Remsen Avenue School, requested said Board of Education to abandon said Remsen Avenue School because of its proximity to prospective permissible operations for the commercial production of rock, sand, and gravel, and the hazards to said pupils incident to such operations, including the excavation and maintenance of deep pits dangerously attractive to children of kindergarten and elementary grade school age; the heavy trucking traffic, and the noise and dust incident to such production and trucking operations, and to establish a new kindergarten and elementary grade school within said "Community" area, as a replacement for said abandoned school. That prior to the abandonment of said Remsen Avenue School, as herein set forth, there was no public school located within said "Community" area.

That at the time when said request was made it was known to the residents of said area who made said request, and to a very large number of other residents of said "Community" area who were interested in the maintenance of safe school conditions for the children of kindergarten and elementary grade school age who resided in said "community" area, and to the members of said Los Angeles City Board of Education, and the facts were, that continuously for more than twenty-eight years immediately theretofore, the owners and subdividers of the lands lying within said "Community" area, and, subsequent to the annexation of

said area to said defendant city in 1918, the Planning Commission; the Playground Commission; the Board of Education, and the City Council of said defendant City of Los Angeles, had declared and maintained, as aforesaid, a policy of prohibiting within said [13] "Community" area, any extension of operations for the commercial production of rock, sand, and gravel, and of encouraging by said policy of restriction, the development of said "Community" area as a residential district wherein the children residing within said area could attend upon and use the facilities of any school; churches; recreational park, and roadways leading thereto, established and maintained in said "Community" area, as herein set forth, with a minimum risk of dangers incident to heavy trucking traffic upon the highways, and the proximity of deep and dangerous pits excavated in the commercial production of rock, sand, and gravel, and attractive to children of kindergarten and elementary school grade ages, and the dust, dirt, and noises, which customarily and inevitably resulted, and result from such operations.

That at the time of said request, the residents within the area served by said Remsen Avenue School, which included the residents of said "Community" area, and the Board of Education; the Planning Commission; the Park Commission: the Playground Commission; and the City Council, of said defendant City of Los Angeles, knew, and the fact was, that the establishment and maintenance of places frequented by the public, including schools; playgrounds; churches; assembly halls, and

highways, in a vicinity wherein deep and extensive pits were excavated, and other operations were conducted, in the commercial production of rock, sand, and gravel, was extremely inadvisable because human experience taught that such operations in such a community, had theretofore constituted, and then constituted, and would continue to constitute, a very serious hazard to the safety, well being, and comfort, of the residents of such a community, and particularly to children of kindergarten, and elementary grade school age, to whom the presence of such conditions was prejudiciously attractive, and was prejudicial to the general public welfare, health, and safety.

That upon receiving said request for the abandonment of [14] said Remsen Avenue School, and the establishment of a kindergarten and elementary grade school within said "Community" area, for the reasons herein stated, said Board of Education informed said defendant City of Los Angeles of said request, and of the reasons therefor as herein stated, and inquired of said defendant as to the permanency of its policy to prohibit any extension within said "Community" area, of operations for the commercial production of rock, sand, and gravel, which policy was evidenced by said zoning ordinances, as aforesaid, and by said city's denial of said six applications for variance permits in 1934; 1936; 1939; 1940, and 1941, respectively, as hereinbefore set forth, and was informed by said defendant city, that it was the permanent policy of said city to prohibit within said "Community" area, and to exclude

therefrom, any extension of any operation for the commercial production of rock, sand, and gravel, and to encourage the development and use of said "Community" area for residential purposes.

That said Board of Education, and the residents of the area served by said Remsen Avenue School, including the residents of said "Community" area, believed the representations of said defendant City of Los Angeles, made as aforesaid, and relied thereupon, and, in such belief and reliance, and for the reasons herein stated, and not otherwise, said Remsen Avenue School was abandoned in 1942, and, during said year, a new school, known as the "Stonehurst" School, was constructed and placed in use upon land, comprising about four acres, then purchased for that purpose, by said Board of Education, within said "Community" area. That the land so purchased, improved, and used for said school, is shown upon said map by a green shading designated as "School." That said school is within six hundred feet of said "Critical" area.

That said school opened in 1942 with an enrollment of 221 pupils of kindergarten and elementary grade age. That the number of pupils enrolled in said school has constantly increased, and the present enrollment thereat is more than 418. [15]

XIII.

That during the years 1945, and 1946, said defendant City of Los Angeles, made an extensive resurvey and study of its master plan of zoning the area within its municipal boundaries, including the

area involved herein, lying in what is commonly known and referred to as the San Fernando Valley.

That upon the conclusion of said resurvey and study, said defendant city, acting through its agencies as prescribed by law, including its Planning Commission; Engineering Department, City Council, and Mayor, determined, and concluded, that the general public welfare; health; safety; comfort, and convenience, and the welfare; health; safety; comfort, and convenience, of the residents within said "Community" area, justified and required a continuance of said zoning restriction upon any extension within said "Community" area, of any operation for the production of rock, sand, and gravel, and thereupon, and on March 7, 1946, said defendant city enacted its Ordinance No. 90,500 wherein and whereby the zoning restrictions which were then, and for more than twenty-one years continuously had been, in force upon said "Community" area, were continued, and any operation for the production of rock, sand, and gravel, within said "Community" area, was prohibited. That said ordinance became effective on June 1, 1946, and is, and at all times since said date has been, in full force. A copy of said ordinance number 90,500, is hereunto attached, marked Exhibit "B", and made a part hereof.

That under, and by reason of, the encouragement derived from the natural adaptability of the land lying within said "Community" area, to residential development and use, and the restrictions imposed

thereon and maintained, by private restrictions and governmental zoning, as aforesaid, against any extension within said "Community" area of any operation for the production of rock, sand, and gravel, said "Community" area developed by steady and substantial growth and improvement up to October 2, 1946, into, and on said date it was, [16] predominately a substantial residential community, embracing within its area of about one and one half square miles, more than 360 homes of a reasonable value in excess of $2,500,000; more than 1500 residents including more than 328 children over four, and under sixteen, years of age; public kindergarten and elementary grade school facilities of a reasonable value in excess of $50,000; public recreational and park facilities of a reasonable value in excess of $100,000; church facilities of a reasonable value in excess of $75,000; an American Legion Hall; a well equipped medical clinic; nearly eight miles of concrete paved highways; adequate water, gas, and electrical service; fire protection; and reasonable motor transportation.

XIV.

That during the fifteen years immediately preceding October 2, 1946, in contemplation of its residential development and use, restricted and zoned, as aforesaid, as its highest and most valuable use, the market value of land within said "Community" area, increased from about five hundred dollars per acre, to about three thousand dollars per acre, and the assessed valuation of said lands,

for public taxation, was progressively and substantially increased, and during the year 1946, and prior to the application of said John D. Gregg for a variance permit, as herein alleged, the assessed valuation of said lands for public taxation, was increased by twenty-five per cent to one hundred and twenty-five per cent of its then assessed valuation for taxation.

XV.

That during, or about, the month of September, 1941, said defendant John D. Gregg became the president and active manager of said Los Angeles Land and Water Company, and ever since said date he has held, and now holds, said offices.

That plaintiffs are informed and believe, and therefore allege, that said defendant John D. Gregg at the time when he succeeded to the office of president of said land company, as aforsaid, [17] was, and ever since has been, and now is, the owner of a substantial interest in said land company.

That plaintiffs are informed and believe, and therefore allege, that at the time when said defendant John D. Gregg acquired his said interest in said land company, he knew that the land lying within said "Community" area had been originally owned; classified, and restricted as to its use, by said land company, and had been zoned by said defendant city, as herein alleged, and that the major part thereof had been sold by said land company for residential, horticultural, and agricultural, development and use, and had been, and was devoted to such use.

XVI.

That during a period of about five years immediately last past, said defendant John D. Gregg acquired by purchase, in several separate parcels and at several different times, the land which comprises about one hundred and fifteen acres, and constitutes said "Critical" area within the heart of said "Community" area, as shown upon said map.

That at the time when said defendant John D. Gregg purchased each of said parcels of land which now constitute said "Critical" area, as aforesaid, said defendant knew, and the facts were, that said land had been classified in 1914 by said land company, as best adapted to residential, horticultural and agricultural development and use, as herein alleged, and he knew that said land had been restricted as to its use, by said land company, and by said zoning ordinances enacted by said defendant city prior to the year 1946, as herein alleged, and he knew that each of said six applications to said defendant city for a variance permit to conduct operations for the commercial production of rock, sand, and gravel, within said "Community" area had been made, and that three of said applications involved lands purchased by him and situated within said "Critical" area, as aforesaid, and that said applications had been denied, as herein alleged, and he knew that other applications for variance permits to erect improvements and [18] conduct operations that were not of a residential nature, as set forth in paragraph tenth hereof, had been made,

and denied by said defendant city, as hereinbefore alleged.

That at the time when said defendant John D. Gregg purchased said lands, as aforesaid, he also knew, and the facts were, that within said "Community" area a substantial and progressive community of homes; schools; churches, and public parks, recreation facilities, and other places of public assembly, had been developed and were maintained, as herein alleged, in reliance upon said restrictions, and said zoning, which prohibited any extension within said area of operations for the commercial production of rock, sand, and gravel, as herein alleged, and that in such reliance said community of homes had been provided, with reasonable adequacy, at great public and private expense, as herein alleged, with about eight miles of paved highways; kindergarten and elementary grade school facilities; with church facilities; with community recreational and park facilities with an American Legion Hall; with a Medical Clinic; with motor transportation; with water, gas and electrical service, and with fire protection, and that in consequence of said restrictions and zoning, and of said development and use, of said lands, the intrinsic value, and the market value, and the assessed value for purposes of taxation, of lands within said "Community" area, had substantially appreciated, as herein alleged, and that said lands were in substantial demand for residential development and use.

XVII.

That at the time when said defendant John D. Gregg purchased said lands which comprise said "Critical" area, as aforesaid, said defendant knew, and the facts then were; ever since have been, and now are, that any substantial operation upon said land within said "Critical" area for the commercial production of rock, sand, and gravel, would create, and constitute, a very substantial, serious, dangerous and permanent hazard and detriment to the general public [19] welfare, health, and safety of the community within said "Community" area, and to the inhabitants of said community, and would substantially and materially interfere with, interrupt, disturb, and impair, the use, and comfortable enjoyment, of their respective properties within said "Community" area, by the owners, and by the inhabitants, of said properties, respectively, and would substantially depreciate the intrinsic value, and the reasonable market value, of all of the lands lying within said "Community" area, and would create a reasonable apprehension that such operations would eventually result in a substantial erosion of the highways abutting upon said "Critical" area, and of the lands abutting upon said highways immediately opposite said "Critical" area, and that such operations would be prejudicial to the general public welfare, and conveniences, and would not be in harmony with the various, or with any of the, elements, or objectives, of the zoning ordinances as adopted by said defendant city, as aforesaid.

XVIII.

That subsequent to the purchase of said defendant John D. Gregg, of said parcels of land which now comprise said "Critical" area, as aforesaid, and subsequent to the enactment of said zoning ordinance by said defendant city in March, 1946, said defendant John D. Gregg, notwithstanding his knowledge of facts and events as herein alleged, applied to the Planning Commission of said defendant city, for a variance permit to conduct operations for the commercial production of rock, sand, and gravel, from and upon said lands purchased and owned by him, as aforesaid, and which comprise said "Critical" area.

That in support of his said application, said defendant John D. Gregg represented to said City of Los Angeles, that the property constituting said "Critical" area and as to which said defendant John D. Gregg then sought said variance permit was situated in a district the character of which was unsuited for residential purposes; that said land was composed of gravel beds, and was primarily [20] suitable only for production of rock, sand, and gravel; that his proposed use of said property was essential to the public convenience and welfare, and was in harmony with the various elements or objectives of the Master Plan of Zoning as enacted by said defendant city, as herein alleged; that his proposed use of said lands would not be detrimental to the developments surrounding the lands as to which said variance permit was sought, and would not adversely affect individual property

rights, or interfere with the enjoyment of property rights of property owners in the vicinity of said "Critical" area, or affect any legal rights of such property owners.

XIX.

That at the time when said representations were made by said defendant John D. Gregg, as aforesaid, each of said representations was false and untrue, and said defendant John D. Gregg then well knew that each of said representations was false and untrue.

That at the time when said application was made by said defendant John D. Gregg, it was a fact, and a matter of public record, that since the year 1935, twenty children who had been attracted to the gravel pits created in said San Fernando Valley by the commercial production of rock, sand, and gravel, had accidentally lost their lives in said pits, and that many children similarly attracted, had sustained serious injuries, accidentally, in said pits.

That said facts were of such common knowledge in said San Fernando Valley at the time when said application was made, that it is a reasonable inference that said John D. Gregg well knew thereof.

XX.

That thereafter, to wit, on July 25, 1946, after a public hearing; an inspection of the property, and a thorough consideration of all the facts presented, the Planning Commission of said defendant city, by the unanimous vote of its members, denied said application, and, contrary to said representations of

John D. Gregg, stated that it found that the property as to which said variance permit was [21] sought, could be utilized for residential purposes as evidenced by the residential development in the immediate neighborhood of said land; that the then existing zoning which prohibited the commercial production of rock, sand, and gravel, from or upon the lands as to which said permit was sought, was an appropriate zoning for said property and for the general area in which said property was situated; that the proposed use of said lands would interfere with a reasonable enjoyment by a substantial number of property owners in that vicinity, of their homes and community facilities; that the extensive excavations and pits which would be left after operations had been completed for the commercial production of rock, sand, and gravel, upon and from said lands as to which said variance permit was sought, would create an unsightly and dangerous condition which would be detrimental to the public welfare, and particularly to the public safety, and would leave said land in a condition unsuited for any use in keeping with other properties in said community, and that to permit an extension of such operations upon the property as to which said variance permit was requested, would not serve any public convenience, and would adversely affect individual property rights in that community, and would interfere with the normal growth of said community, and would conflict with the objectives of the Master Plan of Zoning as incorporated in said

zoning ordinances enacted by said defendant city, as herein stated.

XXI.

That thereafter said defendant John D. Gregg appealed to the City Council of said defendant city, from said denial by said City Planning Commission of his said application, and thereafter, to wit, on October 2, 1946, said City Council granted said application.

That said grant of said application was made upon the following conditions, to wit:

1. That the applicant construct a 6-foot cyclone type mesh wire fence around the said property, including barbed wire on the top of said fence providing the Fire [22] Department grants permission for same.

2. That no permanent plant building or structure be installed or maintained on said property and that all material excavated be mined by an electrically powered shovel and primary crusher and transported by a conveyor belt system running through a tunnel or tunnels under Glenoaks Boulevard to the plant now owned and operated by applicant, lying southwesterly of said Boulevard and processed at said plant.

3. That a setback line of fifty feet from all property lines and existing streets be maintained and that slopes of excavations be maintained at one foot to one foot.

4. That the area between all property lines

or street lines and 50 foot setback be screen planted progressively as excavations proceed.

XXII.

That said granting of said application was accomplished by the affirmative vote of eleven members of said City Council who, within the eight months immediately preceding said grant, had voted for the adoption of said zoning ordinance No. 90,500 on March 7, 1946, and, who, thereby had found and determined, upon an exhaustive resurvey and study of zonal planning in the San Fernando Valley, that the conditions and developments within said "Community" area justified and required for the promotion of the public welfare; the preservation of public health and safety, and the protection of property rights, that any extension of operations for the commercial production of rock, sand, and gravel, within said "Community" area, should be prohibited.

That no change of any kind or character occurred during the period of less than eight months between the enactment of said zoning ordinance and said grant of said application for a variance permit, [23] or between the enactments of said two zoning ordinances in 1925 and 1946, respectively, which tended in any way to alter, or otherwise affect, the conditions upon which it had been found and determined in the enactments of said Zoning Ordinances, that the general public welfare, convenience, and safety, and the welfare and safety of the inhabitants of the community in which said "Critical" area is located

and the preservation of the property rights of the inhabitants of said "Community" area, required a continuance of the prohibition of such operations within said "Community" area.

That at the time when said application by said John D. Gregg for said variance permit, was made, and was pending, and at the time when said application was granted by said City Council, as aforesaid, it was a definite improbability, and always had been a definite improbability, that any practical difficulty, or any unnecessary hardship or result inconsistent with the general purposes of any of said Zoning Ordinances, would result from the strict and literal interpretation and enforcement of the provisions of said Zoning Ordinances.

That there was not during said period, and never has been, any exceptional or extraordinary circumstances or condition, applicable to the property, or to the intended use of the property, as to which said variance permit was sought and obtained, as aforesaid, that did not apply generally to the property or class of uses in the same district or zone.

That such a variance was never necessary for the preservation or enjoyment of any substantial property right of said John D. Gregg possessed by other property in the same zone and vicinity.

That there never was a time within the fifteen years, and longer, immediately last past, when it would not have been materially detrimental to the public welfare, or injurious to the property or improvements, in the zone or district in which the land which comprises said "Critical" area is lo-

cated, to grant such a variance [24] permit, or when the granting of such a variance permit would not adversely affect the Master Plan of said Zoning Ordinance.

That the conduct of the eleven members of said City Council at the session of said City Council whereat said appeal of said defendant John D. Gregg was considered, and said variance permit was granted, and who controlled the deliberations and action of said City Council in respect of said matter, was arbitrary, unreasonable, unfair, and in excess of the limits of their authority.

That said conduct of said eleven members of said City Council are inexplicable upon any rational ground, and then were, and now are, utterly repugnant to the concept and objectives of said zoning plan, and subversive of the public welfare, health, and safety, and of the property rights of the land owners and residents within said "Community" area, including these named plaintiffs.

XXIII.

That there did not exist at the time when said application was made, or at any time thereafter, and there does not now exist, any necessity either public or private, for the commercial production of rock, sand, or gravel, from, or upon any of the lands which comprise said "critical" area, and such a use of said property is not, and never has been, essential or desirable to the public convenience or welfare, or in harmony with the various elements or objectives of the Master Plan of Zoning as

adopted and declared by said defendant city, as aforesaid.

That there is now, and continuously for many years, immediately last past there has been, an adequate, available, quantity of commercial rock, sand, and gravel, in the natural deposits of said materials in the areas in Los Angeles County, wherein the commercial production of said materials is reasonably permissible, and is economically feasible, to supply all of the needs and demands for said materials, of a quality reasonably comparable to the quality of [25] such materials that could be produced from the lands in said "Critical" area.

XXIV.

That within a few days, to wit, on or about October 10, 1946, after the granting of said variance permit by said City Council as aforesaid, resident owners of real property within said "Community" area, caused to be served upon said defendants, a notice in writing that an action would be begun against said defendants, wherein the plaintiffs would seek to permanently enjoin said defendant city from permitting, and said defendant John D. Gregg from engaging in, any operation for the commercial production of rock, sand, and gravel within, or upon any of the lands within said "Critical" area.

XXV.

That said defendant John D. Gregg threatens to, and will, unless restrained by an exercise of judicial authority, to excavate to a depth of one hundred

feet, or more, the land which comprises said "Critical" area, for the commercial production of rock, sand, and gravel, as purportedly authorized by said variance. permit.

That for said purpose, said John D. Gregg threatens to, and will if permitted so to do, excavate said "Critical" area to a depth of one hundred feet, or more, with a sidewall slope of not more than one horizontal foot to each vertical foot of depth, and which sidewalls at surface will extend to fifty feet, or less, from the property lines and existing streets which now bound said "Critical" area. That such an extraction of said material from said land, would create a permanent void upon said land, because there it not, and cannot be, any reasonable, economical, or practicable, means available for filling such a void upon said land.

That the structure and placement of the materials which compose said lands to said depth, are such that it is a reasonable probability and expectancy that in the course of time, by natural processes of erosion, the sidewalls of such a pit, at their upper surface, will recede until a slope of not less than one and one-half feet horizontally for each vertical foot of depth has been uniformly attained, and numerous gulleys of a depth from one to twenty, or more, feet, will be eroded and extended outwardly from said pit a distance of two hundred feet, or more, and that said banks and gulleys would substantially encroach, in the course of time, upon said public streets, and upon the lands which now bound

said "Critical" area, and upon the lands abutting upon streets opposite the lands which comprise said "Critical" area.

XXVI.

That within and across said "Community" area, almost daily, the wind blows with a moderately strong intensity from southwest to northeast, and from northeast to southwest, and frequently within and across said "Community" area, vagrant winds of equal intensity blow in different and varying directions, and annually in the spring and fall, a wind of great intensity blows with moderate frequency, within and across said "Community" area in varying directions. It is a reasonable expectancy that the influence of natural laws which control and direct the vagaries of said winds, will persist permanently.

XXVII.

That any operation in the excavation of rock, sand, and gravel, on a commercial scale, within or upon said "Critical" area, would frequently, almost daily, pollute the air with dust and dirt, and that said dust and dirt in substantial and obnoxious quantities would be carried by said winds to the properties, respectively, of these plaintiffs, and of others within said "Community" area, similarly situated, and would be deposited upon said properties, and in the homes, and upon the persons, of those plaintiffs, and of others similarly situated.

That such a pollution of the air, and deposits of dust and dirt upon the properties and persons, and within the homes, of these [27] plaintiffs, and of

others similarly situated, is a natural and necessary consequence of any excavation within and upon said lands for the commercial production of rock, sand, and gravel, and such occurrences would constitute a dangerous, obnoxious, and deleterious condition, upon the premises of these plaintiffs and others similarly situated, and upon the highways, and in places of public gatherings, within and throughout said "Community" area, and would substantially deprive these plaintiffs, and all others similarly situated, of their right to enjoy, and of their enjoyment, of their properties and homes, and of said highways, and of said places of public assembly, within said "Community" area.

XXVIII.

That any operation in the excavation of rock, sand, and gravel, on a commercial scale, within or upon said "Critical" area, would, as a natural and necessary consequence thereof, produce loud, rasping, grinding, and obnoxious noises. That said noises would penetrate to the properties and homes of these plaintiffs, and of others similarly situated, within said "Community" area, and would substantially and materially disturb these plaintiffs, and said other persons, in their respective use and enjoyment of their properties and homes, and would substantially and materially impair and diminish their enjoyment, respectively, of their properties and homes, and of the highways and places of public assembly, within said "Community" area.

XXIX.

That any substantial operation for the commercial production of rock, sand, and gravel, within or upon said "Critical" area, would, as a natural consequence thereof, substantially depreciate the intrinsic value and the market value of all of the lands whether in public or in private ownership, within said "Community" area, outside of said "Critical" area, and if persisted in until a substantial portion of said "Critical" area had been excavated to a depth of about fifty [28] feet or more, such operations would practically destroy the intrinsic value, and the market value, of said lands.

XXX.

That each of the plaintiffs herein, respectively, is the owner of a parcel of land situated within said "Community" area, as shown upon said map, as follows, to wit: Henry Wallace Winchester, 11155 Allegheny Street; Ernest Joseph Stewart, 9464 Sunland Boulevard; Harold Arthur Slack, 9485 Sunland Boulevard; Philip Arana, 9715 Stonehurst; Ray Biederman, 9727 Stonehurst; Sonia Luzi Baumgartner, 9823 Stonehurst; Ray Villarreal, 9880 Stonehurst; Hiram Lyman Banister, 10921 Art Street; Robert Leroy Hallstrom, 10917 Art Street; George Manuel Villarreal, 10907 Art Street; Ralph Frederic Lee, 10875 Art Street; James Edgar Andrew; 11015 Fenway Street; Mildred Esther Knowles, 11021 Fenway Street; Eva Evadue Fox, 11344 Fenway Street; Mary Burger Chamberlain, 11057 Fenway Street; Ruth Anne Chesworth, 11047

Fenway Street; John Albert McCullough, 11083 Fenway Street; Grace Mullins, 11059 Wicks Street; Oscar Landis, 11063 Wicks Avenue; Athalia Farley Worst, 11067 Wicks Avenue; Frances Adair, 11072 Wicks Avenue; Esther May Winkler, 11073 Wicks Avenue; Anson Pitcher, 11084 Wicks Avenue; John Dunkinfield, 11079 Wicks Avenue; Lecil Cantrell, 11049 Art Street; Margaret Litten, 11116 Wicks Avenue; Lyle Jason Dewey, 11053 Fenway Street; Rignold Allen Sharp, 11433 Wicks Avenue; Walter Asa Brandon, 11349 Allegheny Street; Anita Clancy Brandon, 11419 Allegheny Street; Harry Ray Clark, 11180 Allegheny Street; Seabrook Grunshaw, 11181 Allegheny Street; Mary Jane Eiffler, 11154 Allegheny Street; Zola Badolas, 11167 Allegheny Street; Benson Louis Bardwell, 11143 Allegheny Street; Walter Harold Stamats, 11137 Allegheny Street; Edward Kloppenstein, 11131 Allegheny Street; Clyde Phereal Chaney, 11125 Allegheny Street; Darius Leora Blades, 11124 Allegheny Street; Erma Evelyn Iman, 11136 Allegheny Street; William Wilkinson, 11142 Allegheny Street; Fraser Haglin, 11144 Allegheny Street; Kenity Duane Ramines, 11119 Allegheny Street; High Gillis, 11134 Allegheny [29] Street; Henry Moeckly, 11120 Allegheny Street; Morton Thompson, 11116 Allegheny Street; David C. Hobbs, 11111 Allegheny Street; Mary Ellen Yates, 11103 Allegheny Street; Manoah Porter, 11102 Allegheny Street; Gerry Dell'olio, 10962 Peoria Street.

That each of said parcels of land is, and for many years continuously last past, has been, improved,

occupied, and used, as and for residential uses and purposes, and of a reasonable market value in excess of $12,000, excepting said property of said plaintiff Gerry Dell'olio, which comprises about fifteen acres, and is improved with a commercial bearing table grape vineyard, and abuts upon the easterly side of Peoria Street immediately adjoining said "Critical" area on the northerly side thereof, and is worth in excess of $30,000.

That each of said plaintiffs, respectively, excepting said plaintiff Gerry Dell'olio, actually resides with his family upon his said property. That included in the aggregate families of thirty-two of said plaintiffs are seventy children under the age of sixteen years.

That the conduct of operations for the excavation and production of rock, sand, and gravel from said "Critical" area, as authorized, purportedly, by said variance permit of October 2, 1946, would depreciate the reasonable market value of each of the properties of said plaintiffs, respectively, in a sum substantially in excess of $3,000.00 and that by reason thereof each of said plaintiffs, respectively, by reason of the conduct of said operations would be damaged in a sum in excess of $3,000.00.

That Archie I. Way, G. T. Winkler, Donald Kersey, Charles Wise, William Franklin Borrowe, Frank E. Wright, B. R. Fondren, Robert D. Hopkins, and R. E. Bertell, are, and were when said application was first made by said John D. Gregg for said variance permit, as herein alleged, the owners, respectively, and in possession, of twelve

parcels of real property situated within said "Community" area, and which abut upon Wicks Street, on the westerly side thereof, southerly from said "Community Park," and which face said "Critical" area, and which parcels, respectively, are shown upon said map. That said nine named persons continuously, were such owners and in possession of said properties, respectively, during the entire period following these dates, respectively, March 1946, as to said Archie I. Way; 1931, as to said G. T. Winkler; August 1945, as to said Donald Kersey; 1928, as to said Charles Wise; April 1945, as to said William Franklin Borrowe; April 1940, as to said Frank E. Wright; February 1946, as to said B. R. Fondren; January 1946, as to said Robert D. Hopkins, and 1929, as to said R. E. Bertell. That during said periods, respectively, said twelve properties were, and now are, improved, and occupied and used by said persons, respectively, or by their lessees, for residential uses and purposes.

That Dwight Moore, T. O. Easley, and Betsy Ross, are, and were when said application by said John D. Gregg, was first made as herein alleged, the owners, respectively, and in possession of three parcels of real property, within said "Community" area, which abut upon Wicks Street, on the easterly side thereof, southerly from that portion of said "Critical" area which abuts upon the easterly side of said Wicks Street, and shown upon said map.

That said three named persons, continuosly, were such owners and in possession of said properties, respectively, during the entire periods following

these dates respectively, November, 1944, as to said Dwight Moore; February 1946, as to said T. O. Easley, and 1925, as to said Betsy Ross. That during said periods, respectively, said three properties were, and now are improved, occupied, and used, by said three named persons, respectively, for residential uses and purposes.

That Frank J. Smythe, Helen Churchward, Louise R. Taylor, and Frank Lutizetti, are, and were, when said application was made by said John D. Gregg, as aforesaid, the owners, respectively, and in possession, of four parcels of real property situated within said "Community" area, and which lies southerly and easterly of said "Critical" area, [31] and abuts upon Pendleton Street, on the westerly side thereof. That during said entire period said property has been, and now is, improved, and occupied and used, for residential uses and purposes.

That Paul C. Brown, is, and continuously since November, 1945, has been, the owner and in possession of that certain parcel of real property situated within said "Community" area, and which lies easterly and northerly of said "Critical" area, and abuts upon Pendleton Street, on the westerly side thereof. That during said period said property has been, and now is, improved and occupied and used by said Paul C. Brown, for residential uses and purposes.

That D. H. Calley, and C. C. Campbell, are, and were continuously last past since 1945, and February 1946, respectively, the owners, and in possession, of those certain two parcels of real property situ-

ated within said "Community" area, and which lie immediately northerly of said "Critical" area, and between Peoria and Wicks Street, and are shown upon said map. That during said periods said properties have been, and now are, improved, and occupied and used by said persons, respectively, for residential uses and purposes.

That W. L. Calley is, and for more than one year continuously last past has been, the owner and in possession of that certain parcel of real property situated within said "Community" area, and which lies immediately northerly of said "Critical" area, and between Peoria and Wicks Streets, and is shown upon said map, and is using, and during said entire period has used, said property for residential uses and purposes.

That Lillian Lewis, W. R. Shadley, and George J. King, are, and continuously last past for the periods since 1938 as to said Lillian Lewis; December 1936, as to said W. R. Shadley, and June 1946, as to said George J. King, respectively, have been, respectively, the owners, and in possession of those certain three parcels of real property situated within said "Community" area, and which lie northerly of said "Community Park," and abut upon Wicks Street, on the westerly [32] side thereof, as shown on said map. That during said periods, respectively, said properties have been, and now are, improved, and occupied and used by said named persons, respectively, for residential uses and purposes.

That Jackson Earl Wheeler is the owner of, and

is, and for more than five years continuously last past has been, in possession of that certain parcel of real property located at the northeast corner of Helen and Art Streets, northeasterly of said "Critical" area, and within said "Community" area, and shown upon said map. That said real property is, and during said entire period has been, occupied and used by said Jackson Earl Wheeler for residential uses and purposes.

That the property which comprises fifteen acres, and which abuts upon Wicks Street on the westerly side of said street, and immediately across said street from said "Critical" area, and which is marked "Community Park and Hall" upon said map, is, and since 1928, continuosly has been, owned by the Park Department of said defendant city and under the management of the Playground Department of said defendant city. That said property and the facilities thereof are, and for more than one year immediately last past, were patronized and used by not less than 100 and sometimes by 800 persons each day, and by not less than 1000 and sometimes by 2000 persons each week.

That fourteen of the persons hereinbefore named in this numbered paragraph, during a period of two and one-half years immediately preceding October 2, 1946, the date of the grant of said variance permit, purchased and improved their said respective properties, for residential purposes, at a cost to them, in the aggregate of more than $150,000, under the encouragement and security of said zoning regulations, and in reliance thereupon.

XXXI.

That the Planning Commission; Park Department; Playground and Recreation, and Board of Education, of said defendant city, have actively, consistently, vigorously, and publicly, opposed [33] each and every application for a variance permit to conduct operations for the commercial production of rock, sand, and gravey, within said "Community" area, and are now opposed to the conduct of such operations within or upon any lands lying within said "Community" area, either under said variance permit, or otherwise, upon the grounds, among others, that such operations would be substantially and seriously detrimental to the public welfare, health, and safety, and particularly to the health and safety of many hundreds of young children who attend the places of worship; assembly; recreation, and training, maintained within said area; would be injurious to the properties within said area which are publicly owned, maintained, and operated; would be substantially and seriously injurious to a very large number of properties in said area, in private ownership; and would destroy a substantial residential community which has been builded during a period of nearly thirty years upon public and private assurances, as herein related, that said area would be maintained and protected against any encroachment of the business of commercially producing rock, sand and gravel.

XXXII.

That resident within said "Community" area there are, and for more than five years immediately and continuously last past there has been, more than one thousand persons who are not named as plaintiffs herein, but who, in the enjoyment of their homes within said "Community" area, and in their health and safety, would be substantially, materially, and injuriously affected in kind substantially as would be these named plaintiffs, but in varying degrees of lesser frequency and intensity, from any operation for the commercial production of rock, sand, and gravel, within or upon said "Critical" area, excepting that some of the properties of said persons would not be in any danger of any encroachment of any pit which might be excavated upon said "Critical" area. That said numerous persons vigorously protest any conduct of any such operation within said "Community" area. [34]

That outside of said "Community" area, but adjacent thereto to the north, northwest, and southeast thereof, and within said "Map" area, there exists, and continuosly for more than five years immediately last past there has existed, a substantial residential development, and use of property, as indicated by the numerous black squares upon said map. That the inhabitants of said area number more than 4400, and these will be substantially, materially, and injuriously, affected by said proposed operations of said John D. Gregg within and upon said "Critical" area, substantially identical in kind but with lesser frequency and intensity, as these

named plaintiffs, in the security of their persons, and in the enjoyment of their homes, excepting that none of the properties of said inhabitants will be in danger from any encroachment of any pit which may be excavated upon said "Critical" area.

XXIII.

That said "Community" area lies at any altitude of about one thousand feet, excepting that the extreme northerly and northeasterly areas thereof are fringed with low lying hills which rise in graceful contours from the plane of said "Community" area to varying elevations which at maximum are about five hundred feet higher than the elevation of the plane of said area. That said low lying hills, for more than one year continuosly preceding said grant of said variance permit, under the encouragement and security of said zoning regulations, were under extensive development for the subdivision, improvement, and use, thereof, for residential uses and purposes.

That within said "Community" area, two major paved public highways, namely, Glenoaks Boulevard and Sunland Boulevard, conjoin and provide a practical, feasible, and economical, means for motor transport north, south, east, and west, to the centers of industrial and commercial activities throughout the metropolitan Los Angeles area, wherein the residents of said "Community" area may obtain profitable employment. [35]

That continuously for more than one year immediately preceding the public announcement of

said grant of said variance permit, there was, and had said variance permit been denied, there would be now, a heavy and continuing demand for residential lots within said "Critical" area, for residential, improvement and use.

That said American Legion Hall located on Sunland Boulevard, as shown upon said map, is, and for more than three years continuously last past has been, owned, occupied, and used, by American Legion Post Number 520. That said American Legion Post has, and had during said period, a membership of one hundred and twenty-five members. That immediately, to wit, on October 3, 1946, upon being informed that on the preceding day said City Council had granted said variance permit, said American Legion Post, by its letter addressed to Honorable Fletcher Bowron, as the Mayor of said defendant City, vigorously protested the grant of said variance permit as subversive of the general public welfare, health, and safety, and as particularly destructive of the welfare, health, and safety, of the inhabitants of said "Community" area. That said protest is, and ever since its making, as aforesaid, has been, a true reflection of the attitude of said American Legionnaires in respect of said variance permit.

XXXIV.

That each of said named plaintiffs, and of those numerous other owners who reside upon their properties, within said "Community" area, respectively, acquired his and their said premises, with the knowl-

edge that said "Community" area had been restricted, as herein set forth, against any extension therein of any operation for the commercial production of rock, sand, and gravel, and in the belief and in reliance thereupon, that said "Community" area would be developed, improved, and used, as a predominantly residential area, immune, and to remain immune, to any encroachment there, or thereupon, of any operation for the commercial production of rock, sand, [36] and gravel, substantially in accordance with a general policy for such improvement, development, and use, and for such restriction, in conformity with a master plan of governmental zoning substantially as established and maintained by said defendant city continuously for more than twenty-two years prior to October 2, 1946, as herein set forth.

That excepting for such knowledge, belief, and reliance, said persons would not have made their investments, respectively, in the acquisition, improvement, and use, of their said properties, as aforesaid.

That at the time when said defendant John D. Gregg acquired the lands which comprise said "Critical" area, as aforesaid, said defendants knew, and the facts were, that said named plaintiffs had acquired, improved, and used, and were, using their said premises, respectively, for residential purposes, as aforesaid, and that said defendant city, and said land company in which said defendant John D. Gregg, was, and is, president and a substantial owner, as aforesaid, had actively encouraged said

named plaintiffs so to do, by their conduct as herein set forth.

XXXV.

That the lands lying within, and which constitute, said "Critical" area, are substantially the same in the structure and placement of the materials of which they are composed, and in their top soil condition, and in their surface contour, as the lands of those named plaintiffs, and of all others similarly situated, as herein set forth.

XXXVI.

That said defendant John D. Gregg, threatens to, and will, unless restrained by the order or judgment of the Court herein, enter upon said lands within said "Critical" area, and excavate thereon, or therein, for the commercial production of rock, sand and gravel.

That in execution of said threat said John D. Gregg, since the grant of said variance permit on October 2, 1946, and notwithstanding [37] the notice served upon him, as aforesaid, has made an extensive excavation upon his own land lying immediately southerly of Glenoaks Boulevard, as hereinbefore alleged, and, in extension thereof, has excavated extensively upon and beneath said Glenoaks Boulevard, opposite and up to said "Critical" area, and has installed within said excavations a large metal pipe within which he proposes to operate the belt conveyor by which he proposes to convey the materials which he threatens to excavate and primarily crush upon or within said "Critical"

area, under said variance permit, to the processing plant which he maintains and operates upon the property which he owns southerly from said "Critical" area, and from said Glenoaks Boulevard, as aforesaid, and has actually begun to excavate, and is now excavating, within and upon said "Critical" area, for the commercial production of rock, sand, and gravel, by means of an electrically powered six ton shovel, and is transporting said materials to his said processing plant southerly of said "Community" area, as aforesaid, for commercial processing for the market.

That the "primary crusher" referred to in condition number 2 in the statement of the conditions upon which said variance permit was granted, as set forth in paragraph XXI hereof, and which "primary crusher" said John D. Gregg threatens to use, and must and will use, in any operation for the commercial production of rock, sand and gravel, under said variance permit, within or upon the lands which comprise said "Critical" area, is a powerful crushing mechanism constructed of metal which is necessarily and customarily used in such an operation, for the purpose of crushing into many smaller units at the place of excavation, the numerous boulders encountered in such excavation, which, in size and weight, are too large and heavy, without such crushing, for economical, feasible, and practical, transportation from the place of their occurrence to the processing plant of the operator.

That such crushing operations will produce land, crunching, [38] rasping, and obnoxious noises, and

substantial quantities of dust and dirt, which will be carried by the winds within said "Community" area, to the homes of the inhabitants of said "Community" area, and to the school, churches, and other places of public and private assembly within said "Community" area, as herein alleged, and will substantially and materially interfere with, interrupt, and impair, the comfortable enjoyment of their homes and of said other places of assembly, within said "Community" area, by the inhabitants thereof.

That a substantial part of said offensive dust and dirt will consist of a granular silica in powdery form, which, upon being inhaled by the inhabitants of said area, and particularly by children of tender years, is conducive to the development and aggrevation of tuberculosis and other respiratory and pulmonary afflictions.

That a "screen planting" upon the margins of said "Critical" area, as required conditionally within said variance permit, would be a sham and a farce. It would not prevent, it would invite, the exploration of the tangled growth upon the brink of the deep and dangerous pit by innumerable children of tender years who reside within said "Community" area, or, otherwise, who visit the many places of worship, recreation, training, and public assembly, provided within said "Community" area, and by its tendency to conceal the grave dangers, otherwise obvious, and unavoidably incident to the maintenance of such a pit in such a community, said "screen planting" would substantially contrib-

ute to the death and injury of children in said "Community" area.

XXXV.

That said conduct of said defendant city in the grant of said variance permit in the purported exercise of its police power in respect of the zoning of said "Community" area, is unreasonable and oppressive, as to each of the properties, property owners, and residents, within said "Community" area, and was and is in excess of the just limits of its police power, and is in violation of Article 1, Section 21, of the Constitution of the State of California, and of the 5th and 14th Amendments to the Constitution of the United States of America.

XXXVI.

That said conduct of said defendant city in the purported exercise of its police power in respect of the zoning of said "Community" area, wherein it granted said variance permit to said defendant John D. Gregg, constitutes a taking of the properties of these named plaintiffs, and of all others similarly situated within said "Community" area, without any public necessity therefor, and without just compensation to said persons, or to any of them, in violation of the constitution of the State of California, and of the Fifth and Fourteenth Amendments to the Constitution of the United States of America, and is void.

XXXVII.

That said conduct of said defendant city, in the purported exercise of its police power, as aforesaid,

wherein it granted said variance permit to said defendant John D. Gregg, is, and was, an unjust, oppressive, and arbitrary, exercise of its police power, and is an unwarranted invasion and confiscation of the properties, and property rights, of those named plaintiffs, and a violation of the Fifth and Fourteenth Amedments to the Constitution of the United States, and is void.

XXXVIII.

That the conduct of said defendant city, in the purported exercise of its police power, as aforesaid, bears no relation to the ends for which the police power exists, but is a clear and deliberate invasion under the guise of the police power, of the personal and property rights of these named plaintiffs.

XXXIX.

That the real purpose of the eleven members of the City [40] Council of said defendant city, who voted for the grant of said variance permit, and by whose votes said permit was granted, was not to protect the public welfare, health, or safety, or to promote any objective of any just or permissible exercise of the police power of said defendant city, but was for the purpose of preferring said John D. Gregg as against all other property owners within said "Community" area, in the use and enjoyment of their properties within said area, respectively, and to enable said John D. Gregg to vastly expand his operations of producing rock, sand, and gravel, commercially, by the use of his facilities therefore, now maintained by him upon a tract of land comprising about sixty two and one half acres, situated

within said M-3 zone adjoining said "Community" area to the south, as aforesaid, and of which land only about 35 acres have been excavated, without the necessity or expense of removing his said facilities to a different location in order to expand his ownership of lands upon which, by the use of said processing facilities, he could engage in the commercial production of rock, sand, and gravel.

That the strict and literal interpretation and enforcement of the provisions of said zoning laws as to the lands within said "Community" area, including the lands which comprise said "Critical" area, would not produce, or accentuate, any practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of said zoning laws, in relation to said defendant John D. Gregg, or otherwise.

XXXX.

That if operations for the commercial production of rock, sand, and gravel, are extended to, and conducted within, or upon any of the lands lying within said "Critical" area, and within the provisions of, said variance permit, the enjoyment by these named plaintiffs and of others similarly situated in said "Community" area, of their said homes and properties within said "Community" area, will be substantially, materially and seriously, disturbed, interferred [41] with, interrupted, and diminished, immediately, and that the injuries and damage arising therefrom will progressively expand as such operations are extended upon, or within, said "Critical" area, and that by reason thereof these

plaintiffs, and all other persons similarly situated within said area, would be substantially and irreparably damaged.

XXXXI.

That if operations for the commercial production of rock, sand, and gravel, are extended to, and conducted within or upon the lands lying within said "Critical" area, under and within the provisions of said variance permit, the actual value, and the reasonable market value, of the properties, respectively, of these named plaintiffs and of all others similarly situated with said "Community" area, located within said "Community" area, as herein described, will be immediately, substantially, and materially, depreciated, and progressively, as such operations continue, will be substantially destroyed, and that thereby these named plaintiffs and all others similarly situated within said "Community" area, will be irreparably and permanently damaged.

XXXXII.

That said defendant John D. Gregg, by his conduct as herein set forth, is estopped to claim or exercise any right, privilege, or benefit, under said variance permit, or to conduct any operations within or upon the lands which comprise said "Critical" area, for the commercial production of rock, sand, or gravel.

XXXXIII.

That said defendant city by its conduct, as herein set forth, is estopped to grant said variance permit, or to permit said John D. Gregg to exercise or enjoy any benefit, right, or privilege, under said variance

permit, or to authorize or permit any extension of any operation for the commercial production of rock, sand, or gravel, into said "Community" area, or within or upon any of the lands located [42] within said "Community" area, or within said "Critical" area.

XXXXIV.

That in the circumstances herein alleged, right and justice demand that in order to prevent manifest wrong and injustice to these plaintiffs, as herein set forth, said defendant city be permanently enjoined from authorizing, or permitting said John D. Gregg, or anyone, to conduct any operation for the commercial production of rock, sand, or gravel, within or upon any lands located within said "Community" area, and that said grant of a variance permit to said John D. Gregg to conduct such operations within said area be declared void as an act in excess of any reasonable exercise of the police power of said defendant city, and that said defendant John D. Gregg be permanently enjoined from exercising any right or privilege which derives from said purported grant of a variance permit.

XXXXV.

That by reason of the conduct of said defendant John D. Gregg, as aforesaid, the occupancy by these named plaintiffs, of their homes, respectively, has been, and is, rendered substantially and materially uncomfortable, and their enjoyment of their homes and properties, respectfully, has been, and is, substantially, materially, and grievously, interferred with and impaired, and the reasonable market

value of their respective properties has been substantially depreciated, and that by reason thereof each of these named plaintiffs has been damaged in a sum in excess of three thousand dollars, and that said injury and damage is a continuing tangible injury and damage, and that a monetary evaluation thereof is and will continue to be, materially higher each ensuing day during which said defendant John D. Gregg is permitted to conduct said operations under said permit. That no part of said damages has been paid, or in any manner satisfied, and the whole thereof is owing and unpaid. [43]

XXXXVI.

That plaintiffs do not have any plain, adequate, or speedy remedy at law.

Wherefore, plaintiffs pray that:

(1) the action of said defendant City in granting said variance permit, and said variance permit, be declared void, and of no force, virtue, or effect, in law or in equity;

(2) that said defendant City be enjoined from granting or undertaking to grant, any variance permit under existing zoning laws, for the conduct of and from permitting any operation upon or within any lands situated within said "Community" area, for the commercial production of rock, sand, and gravel;

(3) that said John D. Gregg be enjoined from exercising any right, benefit, or privilege, under said variance permit, and from conducting any operation for the commercial production of rock, sand, and gravel, within, or upon, any of the lands situated

within said "Critical" area, or within said "Community" area;

(4) that each of said defendants be preliminarily restrained from doing anything as to which their permanent restraint is herein sought;

(5) that plaintiffs have and recover from said defendant John D. Gregg, their actual damages accrued up to the date of judgment herein, as the same may be determined upon the trial hereof;

(6) that plaintiffs have such other and further relief as to the court shall seem equitable, and for costs of suit.

/s/ OLIVER O. CLARK,
/s/ ROBERT A. SMITH,
Attorneys for Plaintiffs. [44]

State of California,
County of Los Angeles—ss.

John Albert McCullough, being by me first duly sworn, deposes and says: That he is one of the plaintiffs in the above-entitled action; that he has read the foregoing Complaint in Equity for Injunction and for Damages and knows the contents thereof; and that the same is true of his own knowledge, except as to the matters which are therein stated upon his information or belief, and as to those matters that he believes it to be true.

/s/ JOHN ALBERT McCULLOUGH.

Subscribed and sworn to before me this 14th day of November, 1947.

[Seal] /s/ DAVID D. LALLEE,
Notary Public in and for said
County and State. [45]

DEVELOPMENT
IN
INVOLVED AREA
OCTOBER 1949 SCALE 1" = 1000
HENRY B LYNCH
CONSULTING ENGINEER
LEGEND
ABANDONED SCHOOL
UNRESTRICTED AREA
COMMUNITY CHAPEL
COMMUNITY PARK & HALL
CRITICAL AREA
A
B
COMMUNITY CHURCH
SCHOOL
FIRE DEPT.
AMER. LEGION HALL
COMMUNITY CHURCH
MEDICAL CLINIC
3000 FT.

EXHIBIT B

ORDINANCE No. 90,500

An Ordinance amending Articles 2, 3, 4, 5 and 6, Chapter 1 of the Los Angeles Municipal Code; amending Sec. 32.06.1, Sec. 34.04, Sec. 34.15 and Sec. 36.11, Chapter 3 of said Code; amending Sec. 57.55 and Sec. 57.64, Chapter 5 of said Code; amending Sec. 67.03 and Sec. 67.15, Chapter 6 of said Code; amending Sec. 91.1601, Sec. 91.1702 and Sec. 91.4802, Chapter 9 of said Code; and amending Ordinance No. 79,752.

The People of the City of Los Angeles do ordain as follows:

Section 1. That Article 2 of Chapter 1 of the Los Angeles Municipal Code (Ordinance No. 77,000 as amended) be, and the same is hereby amended in its entirety so as to read as follows:

CHAPTER 1—ZONING

Article 2—Comprehensive Zoning Plan

Sec. 12.00—Title

This Article shall be known as the "Comprehensive Zoning Plan of the City of Los Angeles."

Sec. 12.01—Continuation of Existing Regulations

The provisions of this Article, in so far as they are substantially the same as existing ordinances relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

Sec. 12.02—Purpose

The purpose of this Article is to consolidate and coordinate all existing zoning regulations and provisions into one comprehensive zoning plan in order to designate, regulate and restrict the location and use of buildings, structures and land, for agriculture, residence, commerce, trade, industry or other purposes; to regulate and limit the height, number of stories, and size of buildings and other structures, hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population; and for said purposes to divide the City into zones of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement. Further, such regulations are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to prevent and fight fires; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote health, safety, and the general welfare, all in accordance with a comprehensive plan.

Sec. 12.03—Definitions

For the purpose of Articles 2 to 6 inclusive of this Chapter, certain terms and words are herewith defined as follows:

Accessory Building—A portion of the main building or a detached subordinate building located on the same lot, the use of which is customarily incident to that of the main building or to the use of the land. Where a substantial part of the wall of an accessory building is a part of the wall of the main building or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as part of the main building.

Accessory Living Quarters—Living quarters within an accessory building located on the same premises with the main building, for the sole use of persons employed on the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Administrator—Shall mean the "Zoning Administrator."

Apartment Hotel—A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

Apartment House—Same as "Dwelling, Multiple."

Automobile and Trailer Sales Area—An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

Automobile Wrecking — The dismantling or wrecking of used motor vehicles or trailers, or the

storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement—A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half of its height is above the average level of the adjoining ground.

Board—Shall mean the "Board of Zoning Appeals."

Boarding House—A building with not more than five (5) guest rooms where lodging and meals are provided for compensation.

Building—Any structure having a roof supported by columns or wall for the housing or enclosure of persons, animals or chattels. Where dwellings are separated from each other by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

Building, Height of—The vertical distance measured from the adjoining curb level, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof; provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

Camp, Public—Any area or tract of land used or designed to accommodate two (2) or more automo-

bile house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.

Camp, Trailer—Same as "Camp, Public."

Cemetery—Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Commission—Shall mean the "City Planning Commission."

Court—An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

Court Apartment—One, two or three multiple dwellings arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Commission.

Curb Level—The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this Article.

Dwelling—A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.

Dwelling Unit—Two or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living or sleeping purposes and having only one (1) kitchen.

Dwelling, One-Family—A detached building designed exclusively for occupancy by one (1) family.

Dwelling, Two-Family—A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling, Multiple—A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

Dwelling Group—One or more buildings, not more than two and one-half (2½) stories in height, containing dwelling units and arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Commission, including one-family, two-family, row or multiple dwellings and court apartments.

Dwelling, Row—A row of three (3) to six (6) attached one-family dwellings, not more than two and one-half (2½) stories in height, nor more than two (2) rooms deep.

Educational Institutions—Colleges or universities supported wholly or in part by public funds and other colleges or universities giving general academic instruction, as prescribed by the State Board of Education.

Family—An individual, or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

Frontage—All the property fronting on one (1) side of a street between intersecting or intercepting

streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Garage, Private—A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

Garage, Public—A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

Guest House—Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

Home Occupation—An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display; no stock in trade nor commodity sold upon the premises; no person employed; and no mechanical equipment used except such as is necessary for housekeeping purposes.

Hotel—A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite.

Kennel—Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

Loading Space—An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lodging House—A building with not more than five (5) guest rooms where lodging is provided for compensation.

Lot—Land occupied or to be occupied by a building or unit group of buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this Article, and having frontage upon a street, or a place approved by the Commission.

Lot Line, Front—In the case of an interior lot, a line separating the lot from the street or place; and in the cast of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

Lot Line, Rear—A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Lot Line, Side—Any lot boundary line not a front lot line or a rear lot line.

Lot Width—The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot Depth—The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Area—The total horizontal area within the lot lines of a lot.

Lot, Corner—A lot not greater than seventy-five (75) feet in width and situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.

Lot, Reversed Corner—A corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

Lot, Interior—A lot other than a corner lot.

Lot, Key—The first interior lot to the rear of a reversed corner lot and not separated by an alley.

Lot, Through—A lot having frontage on two (2) parallel or approximately parallel streets.

Nonconforming Building—A building or structure or portion thereof lawfully existing at the time this Article became effective, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.

Nonconforming Use—A use which lawfully occupied a building or land at the time this Article be-

came effective and which does not conform with the use regulations of the zone in which it is located.

Parking Area, Public—An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Parking Space, Automobile—Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one (1) automobile.

Rentable Floor Area—The floor area in a building, exclusive of corridors, stairs, elevator shafts, lavatories, flues and janitors' storage closets.

Schools, Elementary and High—An institution of learning which offers instructions in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California. High schools include Junior and Senior.

Stable, Private—A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, Public—A stable other than a private stable.

Story—That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. Any portion of a story exceeding

fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Story, Half—A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area immediately below it.

Structure—Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

Structural Alterations—Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

Tourist Court—A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

Trailer, Automobile—A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

Use—The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Yard—An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Article.

Yard, Front—A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

Yard, Rear—A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

Yard, Side—A yard, more than six (6) inches in width, between a main building and the side lot line, extending from the frond yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side line toward the nearest part of the main building.

Sec. 12.04—Zones

In order to carry out the purpose and provisions of this Article the City is hereby divided into sixteen (16) zones, known as:

"A1"	Agricultural Zone
"A2"	Agricultural Zone
"RA"	Suburban Zone
"R-1"	One-family Zone
"R2"	Two-family Zone
"R3"	Multiple Dwelling Zone
"R4"	Multiple Dwelling Zone
"R5"	Multiple Dwelling Zone

"C1"	Limited Commercial Zone
"C2"	Commercial Zone
"C3"	Commercial Zone
"C4"	Commercial Zone
"CM"	Business Zone
"M1"	Limited Industrial Zone
"M2"	Light Industrial Zone
"M3"	Heavy Industrial Zone

The Zones aforesaid and the boundaries of such Zones are shown upon a map attached hereto and made a part of this Article, being designated as the "Zoning Map" and said map and all the notations, references and other information shown thereon shall be as much a part of this Article as if the matters and information set forth by said map were all fully described herein.

For Oil Drilling Districts and Regulations, see Article 3, Chapter 1, Los Angeles Municipal Code.

Sec. 12.05—"A1" Agricultural Zone

The following regulations shall apply in the "A1" Agricultural Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. One-family dwellings.

2. Churches, and non-profit libraries and museums, provided they are located at least twenty-five (25) feet from all lot lines.

3. Hospitals or sanitariums, including animal hospitals as set forth in Paragraph 10 (b) of this

Subsection (but excepting clinics, and hospitals or sanitariums for contagious, mental, or drug or liquor addict cases), provided they are located at least fifty (50) feet from all lot lines.

4. Parks, playgrounds or community centers, owned and operated by a governmental agency.

5. Golf courses; except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.

6. Agricultural uses, including field crops; truck gardening; berry or bush crops; tree crops; flower gardening; nurseries; orchards; avaries; apiaries; and mushroom farms.

7. Farms devoted to the hatching, raising and marketing of chickens, turkeys, or other poultry, fowl, rabbits, fish or frogs; provided, however, that no killing or dressing of poultry or rabbits shall be permitted other than the poultry or rabbits raised on the premises and that such killing or dressing is done in an accessory building.

8. Farms or ranches for grazing, breeding, raising or training horses or cattle; riding stables or academies; goat or cattle dairies on a lot having an area of not less than twenty (20) acres; sheep or goat raising; the keeping of not to exceed five (5) swine, subject to provisions of Sec. 34.04, Los Angeles Municipal Code; dog kennels or the breeding, boarding or sale of dogs or cats; aquariums; and alligator, ostrich, mink or fox farms.

9. Any other similar uses or enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare.

10. The following uses may also be permitted if their location is first approved by the Commission or Administrator:

(a) Commission—Uses which may be permitted by the Commission as provided for in Sec. 12.24-A, include: airports or aircraft landing fields; cemeteries; educational institutions; schools, elementary and high; and public utilities and public service uses or structures.

(b) Administrator—Uses which may be permitted by the administrator as provided for in Sec. 12.25-A, include: philanthropic or correctional institutions; animal hospitals; cattle feed or sales yards; circus quarters or menageries; goat or cattle dairies on a lot having an area of less than twenty (20) acres; and the keeping of more than five (5) swine.

Provided, further, that institutions and hospitals shall be located at least fifty (50) feet from all lot lines.

11. Uses customarily incident to any of the above uses, including home occupations or the office of a physician, dentist, or minister of religion.

12. Accessory buildings, including a private garage, accessory living quarters, guest house, recreation room, greenhouse, lathhouse, stable, barn, corral, pen, coop, kennel, poultry or rabbit killing and dressing room, building or room for packing products raised on the premises, or other similar structure, when located not less than one hundred (100) feet from the front lot line nor less than twenty-five

(25) feet from any other lot line. Accessory living quarters, guest house, recreation room, and a private garage or any combination of such uses may be included in one (1) building of one (1) or two (2) stories in height.

13. One stand for the display and sale of only those products produced upon the same premises, provided that the plan for the construction of such stand is approved by the Department of Building and Safety; that it does not exceed an area of two hundred (200) square feet; and that it is located not nearer than ten (10) feet to any street or highway.

14. Name plates and signs as follows: one name plate for each dwelling unit, not exceeding three (3) square feet in area, indicating the name of the occupant of a permitted occupation; one identification sign, not exceeding twenty (20) square feet in area, for farms, ranches, estates, or buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; single or double-faced unlighted sign or signs, appertaining only to the prospective rental or sale of the property on which it is located or to the farm products produced upon the premises, provided such signs do not exceed a total of twenty (20) square feet in area and are located not nearer than ten (10) feet to any street or highway; and one or more signs, not exceeding three (3) square feet in area, warning against trespassing.

B. Height—No building or structure nor the enlargement of any building or structure shall be

hereafter erected or maintained to exceed two and one-half (2½) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty-five (25) feet.

2. Side Yard—There shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed twenty-five (25) feet and shall not be less than three (3) feet in width.

3. Rear Yard—There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

4. Lot Area—Every lot, farm or other parcel of land shall have a minimum average width of three hundred (300) feet and a minimum area of five (5) acres for all uses permitted in this Section, except that (a) the lot area for goat or cattle dairies shall be not less than twenty (20) acres, (b) the lot area per dwelling unit shall be not less than two and one-half (2½) acres, and (c) churches, libraries, museums, public utility and public service uses or struc-

tures, and sanitariums or hospitals (except animal) not exceeding fifty (50) beds, may be located on a lot of not less than two (2) acres.

In no case shall a farm or other parcel of land be reduced to less than five (5) acres (except for those uses set forth in (c) of this Paragraph). Provided, that where a lot has less width or less area than herein required and was held under separate ownership or was on record at the time this Article became effective, such lot may be occupied by any use permitted in this Section, except for those used set forth in Paragraphs 5 and 8, Subsection A of this Section.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.06—"A2" Agricultural Zone

The following regulations shall apply in the "A2" Agricultural Zone.

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "A1" Zone. Provided, however, that the following uses, when located in the "A2" Zone, shall comply with all the regulations of the "A1" Zone:

(a) Farms or ranches for grazing, breeding, or training horses or cattle; riding stables or academies; goat or cattle dairies on a lot having an area of not less than twenty (20) acres; sheep or goat raising; the keeping of not to ex-

ceed five (5) swine, subject to provisions of Sec. 34.04, Los Angeles Municipal Code; dog kennels or the breeding, boarding or sale of dogs or cats; aquariums; and alligator, ostrich, mink or fox farms.

(b) Hospitals or sanitariums, including animal hospitals as set forth in Paragraph 2 (b) of this Subsection (but excepting clinics and hospitals or sanitariums for contagious, mental, or drug or liquor addict cases), provided they are located at least fifty (50) feet from all lot lines.

2. The following cases may also be permitted if their location is first approved by the Commission or Administrator:

(a) Commission—Uses which may be permitted by the Commission as provided for in Sec. 12.24-A, include: airports or aircraft landing fields; cemeteries; educational institutions; schools, elementary and high; and public utilities and public service uses or structures.

(b) Administrator—Uses which may be permitted by the Administrator as provided for in Sec. 12.25-A, include: philanthropic or correctional institutions; animal hospitals; cattle feed or sales yards; circus quarters or menageries; goat or cattle dairies on a lot having an area of less than twenty (20) acres; and the keeping of more than five (5) swine.

Provided, further, that institutions and hospitals shall be located at least fifty (50) feet from all lot lines.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Yards—Front, side and rear, same as required in "A1" Zone—Sec. 12.05-C.

2. Lot Area—Every lot, farm or other parcel of land shall have a minimum average width of one hundred-fifty (150) feet and a minimum area of two (2) acres for all uses permitted in this Section except (a) as otherwise required in Subsection A of this Section, (b) that sanitariums or hospitals (except animal) not exceeding fifty (50) beds, may be located on a lot of not less than two (2) acres, and (c) that the lot area per dwelling unit shall be not less than one (1) acre.

In no case shall a farm or other parcel of land be reduced to less than two (2) acres. Provided, that where a lot has less width or less area than herein required and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use per-

mitted in this Section, except for those uses requiring five (5) or twenty (20) acres, as set forth in Subsection A of this Section.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.07—"RA" Suburban Zone

The following regulations shall apply in the "RA" Suburban Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "A1" and "A2" Zones, provided that all regulations of said zones are complied with, except that goat or cattle dairies, riding stables or academies, and dog kennels or the breeding, boarding or sale of dogs or cats may only be permitted as set forth in Paragraph 2 of this Subsection. In the case of the following uses, however, the area regulations subsequently set forth in this Section shall apply:

(a) One-family dwellings.

(b) Churches (except rescue missions or temporary revival), and non-profit libraries and museums with yards as required in Sec. 12.21-C, 3.

(c) Parks, playgrounds or community centers, owned and operated by a governmental agency.

(d) Golf courses; except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.

(e) Farming and truck gardening, including nurseries; the hatching and raising of poultry and fowl (except commercial hatcheries); the raising of rabbits, bees, and the like; the keeping of domestic animals as an incidental use; and the sale of products or commodities raised on the premises, if no retail stand or commercial structure is maintained.

(f) Transitional uses shall be permitted in the "RA" Zone where the side of a lot abuts upon a lot in a commercial or industrial zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone which it adjoins, as follows:

(1) Two-family dwelling with the same yard requirements as in the "R2" Zone and a minimum lot area of ten thousand (10,000) square feet per dwelling unit.

(2) Public Parking area when located and developed as required in Sec. 12.21-A, 6.

2. The following uses may also be permitted if their location is first approved by the Administrator as provided for in Sec. 12.25-A; philanthropic or correctional institutions; animal hospitals; cattle feed or sales yards; circus quarters, or menageries; goat or cattle dairies; riding stables or academies; the keeping of more than five (5) swine and dog kennels or the breeding, boarding or sale of dogs or cats.

3. Uses customarily incident to any of the above uses, including home occupations or the office of a physician, dentist or minister of religion.

4. Accessory buildings, including a private garage, accessory living quarters, guest house, recreation room, greenhouse, bathhouse, or a private stable, provided such stable is located on a lot having an area of not less than ten thousand (10,000) square feet and its capacity does not exceed one (1) horse for each five thousand (5000) square feet of lot area. Detached accessory buildings shall be located not less than seventy (70) feet from the front line, nor less than five (5) feet from any other street line except in the case of a stable which shall be located not less than twenty-five (25) feet from any other street line. Accessory living quarters, guest house, recreation room and a private garage or any combination of such uses may be included in one building of one (1) or two (2) stories in height, provided that the portion of such building designed for accessory living quarters, guest house or recreation room is located not nearer than five (5) feet to any lot line.

5. Automobile parking space required on lots of less than two (2) acres, including private garages for dwellings and parking space for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

6. Name plates and signs—Same as "A-1" Zone, Sec. 12.05-A, 14.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-

half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty-five (25) feet. Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot.

In no case shall a front yard of more than fifty (50) feet be required.

2. Side Yards—On interior lots there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

On corner lots the side yard regulations shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Article became effective, to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building.

3. Rear Yard—There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

4. Lot Area—Every lot shall have a minimum average width of seventy-five (75) feet and a minimum area of twenty thousand (20,000) square feet

except as otherwise required for "A1" and "A2" uses. The minimum lot area per dwelling unit shall also be twenty thousand (20,000) square feet, except for a transitional dwelling use.

Provided that where a lot has less width or less area than herein required and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section, except for those uses requiring two (2) or five (5) acres.

Sec. 12.08—"R1" One-Family Zone

Exceptions to Area regulations are provided for in Sec. 12.22-C.

The following regulations shall apply in the "R1" One-Family Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. One-family dwellings.

2. Parks, playgrounds or community centers, owned and operated by a governmental agency.

3. Farming and truck gardening (except nurseries), including the keeping of poultry, rabbits, cows and goats, provided:

(a) That on a lot having an area of less than ten thousand (10,000) square feet there shall be no sale of products or commodities raised on the premises;

(b) That on a lot having an area of not less than ten thousand (10,000) square feet the products or commodities raised on the prem-

ises may be sold (except as provided in Subparagraphs (d) hereof), but no retail stand or other commercial structure shall be located thereon;

(c) That no poultry or rabbits shall be raised unless in conjunction with the residential use of the lot and no killing or dressing of poultry or rabbits for commercial purposes shall be permitted;

(d) That cows or goats shall not be kept on a lot having an area of less than ten thousand (10,000) square feet and in no case shall they be kept for commercial purposes.

4. Transitional uses shall be permitted in the "R1" Zone where the side of a lot abuts upon a lot in a commercial or industrial zone, provided such transitional use does not extend more than sixty-five (65) feet from the boundary of the less restricted zone which it adjoins, as follows:

(a) Two-family dwelling with the same area requirements as in the "R2" Zone.

(b) Home occupation or the principal office of a physician or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.

(c) Public parking area when located and developed as required in Sec. 12.21-A, 6.

5. The following uses may also be permitted if their location is first approved by the commission, as provided for a Sec. 12.24-A: schools, elementary and high; churches (except rescue mission or temporary revival) with yards as required in Sec.

12.21-C, 3; and golf courses (except driving tees or ranges, miniature courses and similar uses operated for commercial purposes).

6. Uses customarily incident to any of the above uses, including the office of a physician, dentist, minister of religion or other person authorized by law to practice medicine or healing, provided (a) that such office is situated in the same dwelling unit as the home of the occupant; (b) that such office shall not be used for the general practice of medicine, surgery, dentistry, or healing other than as a religious vocation, but may be used for consultation and emergency treatment as an adjunct to a principal office; and (c) that there shall be no assistants employed.

7. Accessory buildings including a private garage, accessory living quarters, guest house, recreation room, or a private stable, provided (a) that no guest house is located on a lot having an area of less than fifteen thousand (15,000) square feet; (b) that no accessory living quarters are located on any lot having an area of less than eight thousand (8000) square feet; and (c) that no stable is located on a lot having an area of less than ten thousand (10,000) square feet and its capacity does not exceed, one (1) horse for each five thousand (5000) square feet of lot area. Detached accessory buildings shall be located not less than seventy (70) feet from the front lot line, nor less than five (5) feet from any other street line except in the case of a stable which shall be located not less than twenty-five (25) feet from any other street line. Accessory living quarters,

guest house, recreation room and a private garage or any combination of such uses may be including in one building of one (1) or two (2) stories in height, provided that the portion of such building designed for accessory living quarters, guest house or recreation room is located not nearer than five (5) feet to any lot line.

8. Automobile parking space required, including private garages for dwellings and parking space for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

9. Name plates and signs as follows: one unlighted name plate for each dwelling unit, not exceeding one and one-half (1½) square feet in area, indicating the name of the occupant or the occupation in the case of those specified in Paragraph 6 of this Subsection; one identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings; one church bulletin board, not exceeding eighteen (18) square feet in area; an unlighted sign or signs not exceeding a total area of twelve (12) square feet, appertaining to the prospective rental or sale of the property on which they are located; provided, that a name plate or identification sign shall be attached to and parallel with the front wall of the building, and further, that no name plate or advertising sign of any other character shall be permitted.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-

half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty-five (25) feet. Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than ten, (10) feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot.

In no case shall a front yard of more than fifty (50) feet be required.

2. Side Yards—On interior lots there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

On corner lots the side yard regulation shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Article became effective, to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building.

3. Rear Yard—There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

4. Lot Area—Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5,000) square feet. The mini-

mum lot area per dwelling unit shall also be five thousand (5000) square feet, except for a transitional dwelling use.

Provided, that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.09—"R2" Two-Family Zone

The following regulations shall apply in the "R2" Two-family Zone.

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "R1" One-family Zone.

2. Two-family dwellings.

3. Transitional uses shall be permitted in the "R2" Zone where the side of a lot abuts upon a lot in a commercial or industrial zone, provided such transitional use does not extend more than sixty-five (65) feet from the boundary of the less restricted zone which it adjoins, as follows:

(a) Multiple dwelling with the same area requirements as in the "R3" Zone.

(b) Home occupation or the principal office of a physician or dentist, provided such use is conducted within a dwelling and the residen-

tial character of such dwelling is not changed.

(c) Public parking area when located and developed as required in Sec. 12.21-A, 6.

4. Uses customarily incident to any of the above uses—Same as "R1" Zone—Sec. 12.08-A, 6.

5. Accessory Buildings—Same as "R1" Zone—Sec. 12.08-A, 7.

6. Automobile parking space required, including private garages for dwellings and parking space for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

7. Name plates and signs—Same as "R1" Zone. Sec. 12.08-A, 9.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half (2½) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty (20) feet. Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth,

the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot.

In no case shall a front yard of more than fifty (50) feet be required.

2. Side Yards—Same as required in "R1" Zone, Sec. 12.08-C, 2.

3. Rear Yard—Same as required in "R1" Zone, Sec. 12.08-C, 3.

4. Lot Area—Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be twenty-five hundred (2500) square feet, except for a transitional dwelling use.

Provided, that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section. In no case,

however, shall a two-family dwelling have a lot area of less than two thousand (2000) square feet per dwelling unit.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.10—"R3" Multiple Dwelling Zone

The following regulations shall apply in the "R3" Multiple Dwelling Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "R2" Two-family Zone.
2. Group dwellings.
3. Multiple dwellings.
4. Row dwellings.
5. Boarding or lodging houses.
6. Transitional uses shall be permitted in the "R3" Zone where the side of a lot abuts upon a lot in a commercial or industrial zone, provided such transitional use does not extend more than sixty-five (65) feet from the boundary of the less restricted zone which it adjoins, as follows:

   (a) Home occupation or the principal office of a physician or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.

   (b) Public parking area when located and developed as required in Sec. 12.21-A, 6.

7. Uses customarily incident to any of the above uses—Same as "R1" Zone—Sec. 12.08-A, 6.

8. Accessory buildings—Same as "R1" Zone—Sec. 12.08-A, 7.

9. Automobile parking space required, including private garages for dwellings and parking space for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

10. Name plates and signs—Same as "R1" Zone, Sec. 12.08-A, 9.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—Same as required in "R2" Zone, Sec. 12.09-C, 1.

2. Side Yards—Same as required in "R1" Zone, Sec. 12.08-C, 2.

3. Rear Yard—Same as required in "R1" Zone, Sec. 12.08-C, 3.

4. Lot Area—Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be sixteen hundred-fifty (1650) square feet.

Provided, that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section, except that where such lot has an area of less than five thousand (5000) square feet, but not less than four thousand (4000) square feet, the lot area per dwelling unit shall not be less than sixteen hundred-fifty (1650) square feet. In no case, however, shall more than one dwelling unit be permitted where such lot has an area of less than four thousand (4000) square feet.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.11—"R4" Multiple Dwelling Zone

The following regulations shall apply in the "R4" Multiple Dwelling Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "R3" Multiple Dwelling Zone.

2. Apartment Hotels with a total of not more than twenty (20) guest rooms and dwelling units.

3. Court Apartments.

4. Hotels with a total of not more than twenty (20) guest rooms.

5. Fraternity or sorority houses.

6. Churches (except rescue mission or temporary revival), or institutions of an educational or philan-

thropic nature (other than those of a correctional nature), with yards as required in Sec. 12.21-C, 3.

7. Museums or libraries (non-profit) with yards as required in Sec. 12.21-C, 3.

8. Transitional uses shall be permitted in the "R4" Zone where the side of a lot abuts upon a lot in a commercial or industrial zone, provided such transitional use does not extend more than sixty-five (65) feet from the boundary of the less restricted zone which it adjoins, as follows:

(a) Home occupation or the principal office of a physician or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.

(b) Public parking area when located and developed as required in Sec. 12.21-A, 6.

9. Uses customarily incident to any of the above uses, including the office of a physician, dentist, minister of religion or other person authorized by law to practice medicine or healing, provided (a) that such office is situated in the same dwelling unit as the home of the occupant; (b) that such office shall not be used for the general practice of medicine, surgery, dentistry, or healing other than as a religious vocation, but may be used for consultation and emergency treatment as an adjunct to a principal office; and (c) that there shall be no assistants employed.

10. Accessory buildings, including a private garage, accessory living quarters, guest house, recreation room, or a private stable, provided (a) that no guest house is located on a lot having an area

of less than fifteen thousand (15,000) square feet; (b) that no accessory living quarters are located on any lot having an area of less than eight thousand (8000) square feet; and (c) that no stable is located on a lot having an area of less than ten thousand (10,000) square feet and its capacity does not exceed one (1) horse for each five thousand (5000) square feet of lot area. Detached accessory buildings shall be located not less than seventy (70) feet from the front lot line, nor less than five (5) feet from any other street line except in the case of a stable which shall be located not less than twenty-five (25) feet from any other street line. Accessory living quarters, guest house, recreation room and a private garage or any combination of such uses may be included in one building of one (1) or two (2) stories in height, provided that the portion of such building designed for accessory living quarters, guest house or recreation room is located not nearer than five (5) feet to any lot line.

11. Name plates and signs as follows: one unlighted name plate for each dwelling unit, not exceeding one and one-half (1½) square feet in area, indicating the name of the occupant, or the occupation in the case of those specified in Paragraph 9 of this Subsection; one lighted identification sign (excluding illuminated signs of the flashing or animated type) not exceeding twelve (12) square feet in area for multiple dwellings having four (4) or more dwelling units and for buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; an unlighted

sign or signs not exceeding a total area of twelve (12) square feet appertaining to the prospective rental or sale of the property on which they are located; provided, that a name plate or identification sign shall be attached to and parallel with the front wall of the building, and further, that no name plate or advertising sign of any other character shall be permitted.

12. Automobile parking space required, including private garages for dwellings and parking space for buildings other than dwellings as provided for in Sec. 12.21-A, 4.

13. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to Height regulations are provided for in Sec 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty (20) feet. Provided, however. that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with

a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.

On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot.

In no case shall a front yard of more than fifty (50) feet be required.

2. Side Yards—On interior lots there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width for a building not more than two and one-half (2½) stories in height. For three (3) story buildings, one (1) foot shall be added to the width of each side yard required above.

On corner lots the side yard regulations shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot

(excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Article became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building.

3. Rear Yard—There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots.

4. Lot Area—Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be eight hundred (800) square feet.

Provided that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section, except that where such lot has an area of less than five thousand (5000) square feet, but not less than four thousand (4000)

square feet, the lot area per dwelling unit shall not be less than one thousand (1000) square feet. In no case, however, shall more than one dwelling unit be permitted where such lot has an area of less than four thousand (4000) square feet. Further, the above regulations shall apply to a suite of two (2) or more guest rooms in a hotel or apartment hotel, but not to individual guest rooms in such buildings.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.12—"R5" Multiple Dwelling Zone

The following regulations shall apply in the "R5" Multiple Dwelling Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "R4" Multiple Dwelling Zone.

2. Apartment hotels.

3. Hotels, in which incidental business may be conducted only as a service for the persons living therein, provided there is no entrance to such place of business except from the inside of the building and that no sign advertising such business shall be visible from outside the building.

4. Clubs or lodges, (private, nonprofit), chartered as such by the State.

5. Hospitals or sanitariums (except animal hospitals, clinics, and hospitals or sanitariums for contagious, mental, or drug or liquor-addict cases), with yards as required in Sec. 12.21-C, 3.

6. Transitional uses shall be permitted in the "R5" Zone where the side of a lot abuts upon a lot in a commercial or industrial zone, provided such transitional use does not extend more than sixty-five (65) feet from the boundary of the less restricted zone which it adjoins, as follows:

(a) Home occupation or the principal office of a physician or dentist, provided such use is conducted within a dwelling and the residential character of such dwelling is not changed.

(b) Public parking area when located and developed as required in Sec. 12.21-A, 6.

7. Uses customarily incident to any of the above uses—Same as "R4" Zone—Sec. 12.11-A, 9.

8. Accessory buildings—Same as "R4" Zone, Sec. 12.11-A, 10.

9. Name plates and signs—Same as "R4" Zone, Sec. 12.11-A, 11.

10. Automobile parking space required, including private garages for dwellings and parking space for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

11. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed thirteen (13) stories or one hundred-fifty (150) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—Same as required in "R4" Zone, Sec. 12.11-C, 1.

2. Side Yards—Same as required in "R4" Zone, Sec. 12.11-C, 2, except that for buildings more than three (3) stories in height, each side yard shall be increased one (1) foot in width for each additional story from the fourth to the sixth story inclusive, and one and one-half (1½) feet in width for each additional story from the seventh to the thirteenth story inclusive.

3. Rear Yard—Same as required in "R4" Zone, Sec. 12.11-C, 3.

4. Lot Area—Every lot shall have a minimum average width of fifty (50) feet and a minimum area of five thousand (5000) square feet. The minimum lot area per dwelling unit shall be four hundred (400) square feet.

Provided, that where a lot has a width of less than fifty (50) feet or an area of less than five thousand (5000) square feet and was held under separate ownership or was of record at the time this Article became effective, such lot may be occupied by any use permitted in this Section, except that where such

lot has an area of less than five thousand (5000) square feet, but not less than four thousand (4000) square feet, the lot area per dwelling unit shall not be less than six hundred (600) square feet. In no case, however, shall more than one dwelling unit be permitted where such lot has an area of less than four thousand (4000) square feet. Further, the above regulations shall apply to a suite of two (2) or more guest rooms in a hotel or apartment hotel, but not to individual guest rooms in such buildings.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.13—"C1" Limited Commercial Zone

The following regulations shall apply in the "C1" Limited Commercial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "R3" Multiple Dwelling Zone.
2. Bakery.
3. Bank.
4. Barber shop or beauty parlor.
5. Book or stationery store.
6. Clothes cleaning agency or pressing establishment.
7. Clubs or lodges (non-profit), fraternal or religious associations.
8. Confectionery store.

9. Custom dressmaking or millinery shop.
10. Drug store.
11. Dry goods or notions store.
12. Florist or gift shop.
13. Grocery, fruit, or vegetable store.
14. Hospitals, sanitariums or clinics (except animal hospitals, and hospitals or sanitariums for contagious, mental, or drug or liquor-addict cases).
15. Hardware or electric appliance store.
16. Jewelry store.
17. Laundry agency.
18. Meat market or delicatessen store.
19. Offices, business or professional.
20. Photographer.
21. Restaurant, tea-room or cafe (excluding dancing or entertainment).
22. Shoe store or shoe repair shop.
23. Tailor, clothing or wearing apparel shop.
24. Other uses similar to the above, as provided for in Sec. 12.21-A, 2.

The above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively and shall be permitted only under the following conditions:

(a) Such stores, shops or businesses shall be conducted wholly within an enclosed building.

(b) All products produced, whether primary or incidental, shall be sold at retail on the premises and not more than two (2) persons shall be engaged in such production or in the servicing of materials.

(c) Any exterior sign displayed shall pertain only to a use conducted within the building; shall be attached flat against a wall of the building and parallel with its horizontal dimension and shall front the principal street, a parking area in the rear or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line.

(d) All exterior walls of a building hereafter erected, extended or structurally altered, which face property located in an "A," "RA" or "R" Zone, shall be designed, treated and finished in a uniform and satisfactory manner approved by the Department of Building and Safety.

25. Uses customarily incident to any of the above uses and accessory buildings, when located on the same lot, including a storage garage for the exclusive use of the patrons of the above stores or businesses.

26. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

27. Public parking area for the exclusive use of the patrons of the stores, shops or businesses in the immediate commercial zone when located and developed as required in Sec. 12.21-A, 6.

28. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard—Where all the frontage is located in the "C1" Zone, no front yard shall be required. Where the frontage is located partly in the "C1" Zone and an "A," "RA" or "R" Zone, the front yard requirement of the "A," "RA" or "R" Zone shall apply in the "C1" Zone.

2. Side Yards—Where the side of a lot in the "C1" Zone abuts upon the side of a lot in an "A," "RA" or "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where a reversed corner lot rears upon the side of a lot in an "A," "RA" or "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot, (excluding key lots) but such side yard need not exceed ten (10) feet. No accessory building on said

reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this Article became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for dwelling purposes shall comply with the side yard regulations of the "R1" Zone—Sec. 12.08-C, 2.

3. Rear Yard—There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

4. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R3" Zone—Sec. 12.10-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.14—"C2" Commercial Zone

The following regulations shall apply in the "C2" Commercial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter

erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "C1" and "R5" Zones.

2. Retail stores or businesses.

3. Advertising signs or structures and billboards.

4. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing area, dance hall, games of skill and science, penny arcade, shooting gallery, theatre and the like, if conducted wholly within a completely enclosed building.

5. Art or antique shop, if conducted wholly within a completely enclosed building.

6. Auditorium.

7. Automobile service station, provided any tube and tire repairing, battery charging, and storage of merchandise and supplies are conducted wholly within a building. Provided, further, that any lubrication or washing, not conducted wholly within a building, shall be permitted only if a masonry wall six (6) feet in height is erected and maintained between such uses and any adjoining "RA" or "R" Zone.

8. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Sec. 12.21-A, 6, and (b) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.

9. Baseball or football stadium.

10. Baths, turkins and the like.

11. Bird store, pet shop or taxidermist.

12. Business college or private school operated as a commercial enterprise.

13. Blueprinting or photostating.

14. Carpenter shop, if conducted wholly within a completely enclosed building, but excluding cabinet shops or furniture manufacture.

15. Catering establishment.

16. Circus or amusement enterprise of a similar type, transient in character.

17. Cleaning establishment using not more than two (2) clothes cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds, using cleaning fluid which is non-explosive and non-inflammable at temperatures below one hundred thirty-eight and five-tenths degrees Fahrenheit (138.5° F.).

18. Department, furniture or radio store.

19. Drive-in business where persons are served in automobiles, such as refreshment stands, restaurants, food stores, and the like.

20. Feed or fuel store.

21. Film exchange.

22. Hospitals or sanitariums (except animal hospitals.)

23. Ice storage house, not more than five (5) tons capacity.

24. Interior decorating store.

25. Laundry.

26. Medical or dental clinics and laboratories.

27. Music, conservatory or music instruction.

28. Newsstand.

29. Nursery, flower or plant, provided that all incidental equipment and supplies, including fertilizer and empty cans, are kept within a building.

30. Pawnshop.

31. Plumbing or sheet metal shops, if conducted wholly within a completely enclosed building.

32. Pony riding ring, without stables.

33. Printing, lithographing or publishing.

34. Public garage, including automobile repairing, and incidental body and fender work, painting or upholstering, if all operations are conducted wholly within a completely enclosed building. Provided, however, that where a public garage is located on a lot which does not abut an alley and is within fifty (50) feet of a lot in an "RA" or "R" Zone, the garage wall, which parallels the nearest line of such zone, shall have no openings other than stationary windows.

35. Public parking area, when located and developed as required in Sec. 12.21-A, 6.

36. Public services, including electric distributing substation, fire or police station, telephone exchange, and the like.

37. Second hand store, if conducted wholly within a completely enclosed building.

38. Sign painting shop, if conducted wholly within a completely enclosed building.

39. Storage building for household goods.

40. Studios (except motion picture).

41. Tire shop operated wholly within a building.

42. Tourist court.

43. Trade school, if not objectionable due to noise, odor, vibration, or other similar causes.

44. Upholstering shop, if conducted wholly within a completely enclosed building.

45. Wedding chapel, rescue mission or temporary revival church.

46. Wholesale merchandise broker, excluding wholesale storage.

47. Other uses similar to the above, as provided for in Sec. 12.21-A, 2.

48. The following uses may also be permitted if their location is first approved by the Administrator, as provided for in Sec. 12.25-A; mortuary or funeral parlor; trailer camp or public camp.

49. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot.

Provided that (a) there shall be no manufacture, compounding, processing or treatment of products other than that which is clearly incidental and essential to a retail store or business and where all such products are sold at retail on the premises; (b) there shall not be more than five (5) persons engaged in the manufacture, compounding, processing or treatment of products; or in catering, cleaning, laundering, plumbing, upholstering, and the like; (c) such uses, operations or products are not objectionable due to odor, dust, smoke, noise, vibration or other similar causes; and (d) all exterior walls of a building hereafter erected, extended or structurally altered, which face property located in an "A," "RA" or "R" Zone, shall be designed,

treated and finished in a uniform and satisfactory manner approved by the Department of Building and Safety.

50. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

51. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard—Not required.

2. Side Yards—Where the side of a lot in the "C2" Zone abuts upon the side of a lot in an "A," "RA" or "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R4" Zone—Sec. 12.11-C, 2.

3. Rear Yard—There shall be a rear yard of not less than twenty (20) per cent of the depth of the lot, but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots. Provided, that where the rear of a lot in the "C2" Zone abuts upon the side or rear of a lot in a "C," "CM" or "M" Zone, the rear yard need not exceed ten (10) feet in depth.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4" Zone—Sec. 12.11-C, 3.

4. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R4" Zone—Sec. 12.11-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

. . .

Sec. 12.15—"C3" Commercial Zone

The following regulations shall apply in the "C3" Commercial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "C2" Zone.

2. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

3. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be here-

after erected or maintained to exceed thirteen (13) stories or one hundred-fifty (150) feet in height; provided, however, that where any such building, structure or enlargement exceeds a height of six (6) stories or seventy-five (75) feet, that portion thereof above said height shall be set back from the required yard lines, or lot lines where no yards are required, at least one (1) foot for each four (4) feet of height above six (6) stories or seventy-five (75) feet.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—Not required.

2. Side Yards—Where the side of a lot in the "C3" Zone abuts upon the side of a lot in an "A," "RA" or "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R5" Zone—Sec. 12.12-C, 2.

3. Rear Yard—There shall be a rear yard of not less than twenty (20) per cent of the depth of the lot, but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots. Provided, that where the rear of a lot in the "C3" Zone abuts upon the side or rear of a lot in a "C," "CM" or "M" Zone, the rear yard need not exceed ten (10) feet in depth.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4"—Sec. 12.11-C, 3. [50]

4. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R5" Zone—Sec. 12.12-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.16—"C4" Commercial Zone

The following regulations shall apply in the "C4" Commercial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "C1" Zone.

2. Any use permitted in the "C2" Zone except:

(a) Amusement enterprises, including (1) boxing arena; (2) games of skill and science; (3) merry-go-round, ferris wheel or carousel; (4) penny arcade; and (5) shooting gallery.

(b) Automobile and trailer sales area, except an area for the incidental sale of used automobiles by an authorized agency dealing in new automobiles.

(c) Baseball or football stadium.

(d) Carpenter shop.

(e) Circus or amusement enterprises of a similar type, transient in character.

(f) Feed and fuel store.

(g) Hospital or sanitarium.

(h) Ice storage house.

(i) Laundry.

(j) Pawnshop.

(k) Pet shop.

(l) Plumbing or sheet metal shop.

(m) Pony riding ring.

(n) Public services, including electric distributing substation.

(o) Second hand store.

(p) Storage building for household goods.

Provided that all "C2" uses shall be subject to the same limitations and controls as specifically set forth in the "C2" Zone—Sec. 12.14-A.

3. Automobile parking space required for dwellings and buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

4. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed thirteen (13) stories or one hundred-fifty (150) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—Not required.

2. Side Yards—Where the side of a lot in the "C4" Zone abuts upon the side of a lot in an "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R5" Zone—Sec. 12.12-C, 2.

3. Rear Yard—There shall be a rear yard of not less than twenty (20) per cent of the depth of the lot, but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots. Provided, that where the rear of a lot in the "C4" Zone abuts upon the side or rear of a lot in a "C," "CM" or "M" Zone, the rear yard need not exceed ten (10) feet in depth.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4" Zone—Sec. 12.11-C, 3.

4. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R5" Zone—Sec. 12.12-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.17—"CM" Business Zone

The following regulations shall apply in the "CM" Business Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "C2" Zone.

2. Any other store or business which does not involve the manufacture, assembling, compounding, packaging, processing or treatment of products other than that which is celarly incidental and essential to a retail store or business and where all such products are sold at retail on the premises.

3. Any use permitted in the "M1" Zone, provided that not more than ten (10) per cent of the rentable floor area of any floor of a building is devoted to such use. In determining the floor area so used it shall be all the rentable floor area occupied by concerns engaged in such production activities exclusive of that used for offices, display, waiting rooms or clerical work.

4. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot.

5. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

6. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed thirteen (13) stories or one hundred-fifty (150) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. Yards—Not required for business buildings, but if a yard is provided it shall not be less than three (3) feet in width or depth.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side and rear yard regulations of the "R5" Zone—Sec. 12.12-C, 2 and 3.

2. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R5" Zone—Sec. 12.12-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.12-C.

Sec. 12.18—"M1" Limited Industrial Zone

The following regulations shall apply in the "M1" Limited Industrial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for uses permitted in the "C2" Zone or any of the following uses:

1. Uses to be conducted wholly within a completely enclosed building except for the on-site parking of delivery vehicles which are incidental thereto:

(a) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.

(b) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not employing a boiling process.

(c) The manufacture of pottery and figurines or other similar ceramic products, using

only previously pulverized clay, and kilns fired only by electricity or gas.

(d) The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.

(e) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

(f) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing, and the like.

(g) Blacksmith shop and machine shop excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.

(h) Foundry casting lightweight non-ferrous metal not causing noxious fumes or odors.

(i) Laundry, cleaning and dyeing works, and carpet and rug cleaning.

(j) Distribution plants, parcel delivery, ice and cold storage plant, bottling plant, and food commissary or catering establishments.

(k) Wholesale business, storage buildings, and warehouses.

(l) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.

(m) Laboratories; experimental, photo or motion picture, film, or testing.

(n) Veterinary or dog or cat hospitals, and kennels.

(o) Poultry or rabbit killing incidental to a retail business on the same premises.

2. Uses to be conducted wholly within a completely enclosed building or within an area enclosed on all sides with a solid wall, compact evergreen hedge or uniformly painted board fence, not less than six (6) feet in height:

(a) Motion picture studio.

(b) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing.

(c) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.

(d) Retail lumber yard, including only incidental mill work.

(e) Feed and fuel yard.

(f) Draying, freighting or trucking yard or terminal.

(g) Public utility service yard or electrical receiving or transforming station.

(h) Small boat building, except shipbuilding.

3. Other uses similar to the above, as provided for in Sec. 12.21-A, 2.

4. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot.

5. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Sec. 12.21-A, 4.

6. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) stories or forty-five (45) feet in height.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. Front Yard—Not required.

2. Side Yards—Where the side of a lot in the "M1" Zone abuts upon the side of a lot in an "A," "RA" or "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R4" Zone—Sec. 12.11-C, 2.

3. Rear Yard—No rear yard shall be required except where the "M1" Zone abuts upon an "A," "RA" or "R" Zone, in which case there shall be a rear yard of not less than twenty (20) per cent

of the depth of the lot, but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4" Zone—Sec. 12.11-C, 3.

4. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R4" Zone—Sec. 12.11-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.19—"M2" Light Industrial Zone

The following regulations shall apply in the "M2" Light Industrial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "M1" Zone within or without a building or an enclosed area.

2. Any other use except those first permitted in the "M3" Zone; or those uses which are or may become obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter or water carried waste as determined by the Administrator.

3. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot.

4. Automobile parking space required for dwellings and for buildings other than dwellings as provided for in Sec. 12.21-A, 4.

5. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed thirteen (13) stories or one hundred-fifty (150) feet in height; provided, however, that where any such building, structure or enlargement exceeds a height of eight (8) stories or one hundred (100) feet, that portion thereof above said height shall be set back from the required yard lines, or lot lines where no yards are required, at least one (1) foot for each four (4) feet of height above eight (8) stories or one hundred (100) feet.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement;

1. Front Yard—Not required.

2. Side Yards—Where the side of a lot in the "M2" Zone abuts upon the side of a lot in an "A," "RA" or "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side

yard regulations of the "R5" Zone, Sec. 12.12-C, 2.

3. Rear Yard—No rear yard shall be required except where the "M2" Zone abuts upon an "A," "RA" or "R" Zone, in which case there shall be a rear yard of not less than twenty (20) per cent of the depth of the lot, but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4" Zone—Sec. 12.11-C, 3.

4. Lot Area—Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R5" Zone—Sec. 12.12-C, 4.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.20—"M3" Heavy Industrial Zone

The following regulations shall apply in the "M3" Heavy Industrial Zone:

A. Use—No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged, or maintained, except for the following uses:

1. Any use permitted in the "M2" Zone provided, however, that no building, structure or portion thereof shall be hereafter erected, structurally altered, converted, used or maintained for any use permitted in any "R" Zone, except accessory buildings which are incidental to the use of the land.

2. Acetylene gas manufacture or storage.

3. Alcohol manufacture.

4. Ammonia, bleaching powder or chlorine manufacture.

5. Asphalt manufacture or refining.

6. Automobile wrecking, if conducted wholly within a building.

7. Blast furnace or coke oven.

8. Boiler workers.

9. Brick, tile or terra cotta manufacture.

10. Chemical manufacture.

11. Concrete or cement products manufacture.

12. Cotton gin or oil mill.

13. Fish smoking, curing or canning.

14. Freight classification yard.

15. Iron or steel foundry or fabrication plant and heavyweight casting.

16. Lamp black manufacture.

17. Oilcloth or linoleum manufacture.

18. Oil drilling and production of oil, gas or hydro-carbons.

19. Ore reduction.

20. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.

21. Paper and pulp manufacture.

22. Petroleum products manufacture or wholesale storage of petroleum.

23. Plastic manufacture.

24. Potash works.

25. Pyroxyline manufacture.

26. Quarry or stone mill.

27. Railroad repair shops.

28. Rock, sand or gravel distribution; rock, sand or gravel excavating or crushing, subject to conditions and methods of operation approved by the Administrator as provided for in Sec. 12.26-D.

29. Rolling mills.

30. Rubber or gutta-percha manufacture or treatment.

31. Salt works.

32. Soap manufacture.

33. Sodium compounds manufacture.

34. Stove or shoe polish manufacture.

35. Tar distillation or tar products manufacture.

36. Wool pulling or scouring.

37. And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like; provided, however, that none of the following uses shall be located nearer than five hundred (500) feet to a more restricted zone:

(a) Acid manufacture.

(b) Automobile wrecking area.

(c) Cement, lime, gypsum or plaster of paris manufacture.

(d) Distillation of bones.

(e) Drop forge industries manufacturing forgings with power hammers.

(f) Explosives, manufacture or storage, subject to provisions of Sec. 54.75, Los Angeles Municipal Code.

(g) Fat rendering, except as an incidental use.

(h) Fertilizer manufacture.

(i) Garbage, offal or dead animal reduction or dumping.

(j) Gas manufacture.

(k) Glue manufacture.

(l) Petroleum refining.

(m) Smelting of tin, copper, zinc or iron ores.

(n) Stock yards or feeding pens.

(o) Slaughter of animals, subject to provisions of Ord. No. 10,909 (N.S.).

(p) Tannery or the curing or storage of raw hides.

(q) Storage, sorting, collecting or baling of rags, paper, iron or junk.

38. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot.

39. Automobile parking space, for buildings other than dwellings, as required in Sec. 12.21-A, 4.

40. Loading space as required in Sec. 12.21-A, 5.

B. Height—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed thirteen (13) stories or one hundred-fifty (150) feet in height; provided, however, that where any such building, structure or enlargement exceeds a height of eight (8) stories or one hundred (100) feet, that portion thereof above said height shall be set back from the required yard lines, or lot lines where no yards are required, at least one (1) foot for each four (4) feet of height above eight (8) stories or one hundred (100) feet.

Exceptions to Height regulations are provided for in Sec. 12.22-B.

C. Area—No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. Front Yard—Not required.

2. Side Yards—Where the side of a lot in the "M3" Zone abuts upon the side of a lot in an "A," "RA" or "R" Zone, there shall be a side yard of not less than ten (10) per cent of the width of the lot but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

3. Rear Yard—No rear yard shall be required except where the "M3" Zone abuts upon an "A," "RA" or "R" Zone, in which case there shall be a rear yard of not less than twenty (20) per cent of the depth of the lot but such rear yard need not exceed twenty (20) feet for interior lots nor ten (10) feet for corner lots.

Exceptions to Area regulations are provided for in Sec. 12.22-C.

Sec. 12.21—General Provisions

A. Use.

1. Conformance and Permits Required—No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the zone in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and ordinances.

2. Other Uses Determined by Administrator—Where the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Administrator as evidenced by a written decision, are similar to and not more objectionable to the general welfare, than the uses listed in the same Section. Any "other uses" so determined by the Administrator shall be regarded as listed uses. In no instance, however, shall the Administrator determine, nor shall these regulations be so interpreted, that a use shall be permitted in a zone when such use is specifically listed as first permissible in a less restricted Zone; i.e., a use specifically listed in the "C2" Zone shall not be permitted in the "C1" Zone.

3. Zone Group Classification—Whenever the terms "A" Zone, "R" Zone, "C" Zone or "M" Zone are used, they shall be deemed to refer to all zones containing the same letters in their names (except "RA" Suburban and "CM" Business Zones); i.e., "C" Zone shall include the "C1," "C2," "C3," "C4" Zones.

4. Automobile Parking Space—There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard size automobiles as follows:

(a) Private Garages for Dwellings—In all "R" Zones, including the "RA" Zone, there shall be at least one (1) permanently maintained parking space in a private garage on the same lot with the main building or the enlargement of a main building, for each dwelling unit in the case of a new building or for each dwelling unit added to an existing building. Such parking space shall not be less than eight (8) feet wide, eighteen (18) feet long and seven (7) feet high. A private garage shall not have a capacity for more than two (2) passenger automobiles for each dwelling unit unless the lot, whereon such garage is located, has an area of two thousand (2000) square feet for each parking space in such garage.

(b) Parking Space for Dwellings—In the "C," "CM," "M1" and "M2" Zones, there shall be at least one (1) permanently maintained parking space on the same lot with the main building or the enlargement of a main building, for each dwelling unit in the case of a new building or for each dwelling unit added to an existing building or in lieu thereof such parking space shall be provided in a building

as required in Subparagraph (a) of this Paragraph. Such parking space shall have not less than one hundred twenty-six (126) square feet net area.

(c) For Buildings Other Than Dwellings—For a new building or structure or for the enlargement or increase in seating capacity, floor space or guest rooms of any existing main building or structure, there shall be at least one (1) permanently maintained parking space of not less than one hundred twenty-six (126) square feet net area, as follows:

(1) For church, high school, college and university auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every ten (10) seats provided in said buildings or structures.

(2) For hospitals and welfare institutions, at least one (1) parking space for every one thousand (1000) square feet of floor area in said buildings.

(3) For hotels, apartment hotels and clubs, at least one (1) parking space for each of the first twenty (20) individual guest rooms or suites; one (1) additional parking space for every four (4) guest rooms or suites in excess of twenty (20), but not exceeding forty (40); and one (1) additional parking space for every six (6) guest rooms or suites in excess of forty (40) guest rooms or suites provided in said buildings.

(4) For tourist courts, at least one (1) parking space for each individual sleeping or living unit.

(5) For business or commercial buildings or structures having a floor area of seventy-five hundred (7500) square feet or more, at least one (1) parking space for every one thousand (1000) square feet of gross floor area in said buildings or structures, excluding automobile parking space.

Parking space as required above shall be on the same lot with the main building or structure or located not more than fifteen hundred (1500) feet therefrom.

5. Loading Space—Every hospital, institution, hotel, commercial or industrial building hereafter erected or established on a lot which abuts upon an alley or is surrounded on all sides by streets, shall have one (1) permanently maintained loading space of not less than ten (10) feet in width, twenty (20) feet in length measures perpendicularly to the alley, and fourteen (14) feet in height, for each two thousand (2000) square feet of lot area upon which said building is located; provided, however, that not more than two (2) such spaces shall be required, unless the building on such lot has a gross floor area of more than eighty thousand (80,000) square feet, in which case there shall be one (1) additional loading space for each additional forty thousand (40,000) square feet (in excess of eighty thousand (80,000) square feet) or fraction thereof above ten thousand (10,000) square feet.

6. Public Parking Areas — Automobile and Trailer Sales Areas—Every parcel of land hereafter used as a public parking area or automobile and trailer sales area shall be developed as follows, subject to the approval of plans thereof by the Administrator:

(a) Such area shall be paved with an asphaltic or concrete surfacing; shall have appropriate bumper guards where needed, and shall be properly enclosed with an ornamental fence, wall or compact eugenia or other evergreen hedge, having a height of not less than two (2) feet and maintained at a height of not more than six (6) feet. Such fence, wall or hedge shall be maintained in good condition and observe the required front yard and the required side yard along the street side of a corner lot for the zone in which it is located and such required front and side yard shall be landscaped with evergreen ground cover and properly maintained.

(b) Where such area adjoins the side of a lot in an "A," "RA" or "R" Zone, a six (6) foot masonry wall shall be erected and maintained at least five (5) feet from the side of such lot, and suitable landscaping shall be planted and maintained in the space between the parking lot wall and the adjoining property. Provided, however, that such wall shall not extend into the front yard required on the lot on which it is located.

(c) Any lights used to illuminate said parking areas shall be so arranged as to reflect the

light away from adjoining premises in an "A," "RA" or "R" Zone.

B. Height.

1. Height Conformance—Except as hereinafter provided:

(a) No building or structure nor the enlargement of any building or structure shall be hereafter erected, reconstructed or maintained which exceeds the height limit established for the zone wherein such building or structure is located.

C. Area

1. Area Requirements—Except as hereinafter provided, no building or structure nor the enlargement of any building or structure shall be hereafter erected, located or maintained on a lot unless such building, structure or enlargement conforms with the area regulations of the zone in which it is located:

(a) No parcel of land held under separate ownership at the time this Article became effective, shall be reduced in any manner below the minimum lot area, size or dimensions required by this Article.

(b) No lot area shall be so reduced, diminished and maintained that the yards, other open spaces or total lot area, shall be smaller than prescribed by this Article, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.

(c) No required yard or other open space around an existing building, or which is here-

after provided around any building for the purpose of complying with the provisions of this Article, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

(b) Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one (1) main residential building and its accessory buildings on one (1) lot. Group dwellings, court apartments, row dwellings, and a unit group of dwellings as referred to in Paragraph 2 of this Subsection, may be considered as one (1) main residential building.

(e) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which no dedication was secured, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

(f) No building permit shall be issued for a building or structure on a corner lot when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner lot has its frontage at the time this Article became effective.

(g) Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

(h) At each end of a through lot there shall be a front yard of the depth required by this Article for the zone in which each street frontage is located; provided, however, that one of such front yards may serve as a required rear yard.

2. Group Dwellings Rearing on Side Yards—Dwellings may be arranged to rear upon side yards or have their service entrances opening thereon, provided the following regulations are complied with:

(a) In the case of group dwellings or court apartments, the required side yards shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet, except that for court apartments more than three (3) stories in height each side yard shall be increased one (1) foot in width for each additional story above the third story. The average width of the court shall not be less than three (3) times the width of the side yard required in this provision.

(b) In the case of row dwellings or a unit group of dwellings (including one-family, two-family or multiple dwellings not more than two and one-half (2½) stories in height) arranged so as to rear upon one side yard and front upon the other, the side yard upon which the dwell-

ings rear shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet. The average width of the side yard upon which the dwellings front shall not be less than one and one-half ($1\frac{1}{2}$) times the width of the other side yard, as required above.

(c) In the grouping of dwellings as permitted in this paragraph, the minimum distance between detached dwellings shall not be less than ten (10) feet, and the front and rear yard requirements for lots in the zone in which such dwellings are located, shall be complied with.

3. Yards for Institutions, Churches, Etc.—In the "R" Zones, no building shall be hereafter erected, enlarged or used for:

(a) An institution, hospital or other similar use permitted under the use regulations of this Article, unless such buildings are located at least twenty-five (25) feet from the lot or boundary line of adjoining property in any "R" Zone; and no required front or side yard is used for the parking of automobiles. Provided, however, that where a lot has a width of less than one hundred and twenty-five (125) feet and was held under separate ownership or was of record at the time this Article became effective, the above yard requirement on each side of such buildings may be reduced to twenty (20) per cent of the width of the lot, but in no case less than ten (10) feet.

(b) A church, library or museum, unless such buildings are located at least ten (10) feet from the side lot lines and unless the total combined width of the two side yards is equal to forty (40) per cent or more of the width of the lot but such combined side yard width need not exceed fifty (50) feet.

In the case of a church, library or museum, the parking of automobiles shall be permitted in the side and rear yards, provided such parking is not located (1) nearer than five (5) feet to the side lot line of an interior lot; (2) on the street side of a reversed corner lot; and (3) beyond the front line of the main building. Further, all automobile parking areas and driveways shall be paved with an asphaltic or concrete surfacing and shall have appropriate bumper guards where needed. All other open spaces including an area with an average width of three (3) feet or more adjacent to the main building, shall be fully landscaped with suitable ground cover, trees or shrubs.

4. Lot Area—Tourist Courts—A tourist court, wherever permitted under the regulations of this Article, shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

Sec. 12.22—Exceptions

A. Use.

1. Private Garage Not Required—Topography—Where a lot abuts upon a street or place which due to topographic conditions or excessive grades is not accessible by automobile, and such lot is to be occupied by not more than a one-family dwelling, no private garage shall be required.

2. Public Utilities and Public Services—The provisions of this Article shall not be so construed as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes, of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines, sewers and sewer mains, and incidental appurtenances.

B. Height.

1. Three-story Buildings—Two and One-half Story Zones—In the zones limiting the height to two and one-half (2½) stories or thirty-five (35) feet, one family dwellings, churches, or schools may be increased in height to three (3) stories or forty-five (45) feet, provided the required side yards are increased to twelve (12) feet or more in width.

2. Buildings Exceeding Three Stories—Three Story Zone—In the zones limiting the height to three (3) stories or forty-five (45) feet, public or quasi-public buildings, churches, schools, hospitals or sanitariums may be erected to a height not exceeding six (6) stories or seventy-five (75) feet,

and motion picture studio stages, scene or sky-backings, temporary towers, and the like may be erected to a height not exceeding one hundred twenty-five (125) feet, when the required front, side and rear yards are increased an additional foot for each four (4) feet such building or structure exceeds three (3) stories or forty-five (45) feet in height.

3. Lots on Downhill Slope—On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the main building, of twenty-five (25) per cent or more (measured in the general direction of the side lot lines), an additional story may be permitted in such main building, provided the ceiling of the lowest story shall not be more than two (2) feet above the average curb level along the front of the lot.

4. Sloping Lots in "CM" Zone—In the "CM" Zone any building hereafter erected or structurally altered on sloping ground may exceed the maximum height limit in so far as such additional height may be required to overcome differences in adjoining sidewalk or ground elevations, but no building shall exceed a height of one hundred-fifty (150) feet, measured from the highest point of the adjoining sidewalk level on at least one street frontage, nor shall any such building exceed a height of one hundred sixty-five (165) feet measured from any other point of adjoining sidewalk level. No building shall have more than thirteen (13) stories, counting the story on the main floor level, but not counting the basement stories.

5. Through Lots (150 feet or less in depth)—On through lots one hundred-fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.

6. Through Lots (more than 150 feet in depth)—On through lots more than one hundred-fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to ah dept of not more than one hundred-fifty (150) feet from that street; provided, however, that this provision shall not be so interpreted as to permit a greater height than that allowed in Paragraph 4 above.

7. Structures Permitted Above Heights Limit—Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein prescribed but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space.

8. Industrial Buildings Exceeding Height Limit—In the "M2" or "M3" Zones a manufacturing or industrial building or structure may exceed the height limit therein when authorized by ordinance pursuant to the provisions of Sec. 3, 11 (b) of the City Charter.

C. Area.

1. Building Lines—Where a Building Line or Setback Line has been established by ordinance, the space between such Building or Setback Line and the front or side lot line may be used as a front or side yard, as the case may be, in lieu of the front or side yard required by this Article.

2. Frontage Optional—Corner Building—In the "C," "CM" or "M" Zones, where property fronts upon one street and sides upon another street, a building may be arranged to front upon either street, if a yard is provided at the rear of such building, having a depth of not less than twenty (20) per cent of the depth of the lot measured at right angles to the street upon which the building fronts but such yard need not exceed ten (10) feet. Provided, further, that where a commercial or industrial building sides upon the side of a lot in the "A," "RA" or "R" Zone the side yard regulations of the zone in which the property is located shall apply.

3. Yard Regulations Modified—Where the yard regulations cannot reasonably be complied with or their application determined on lots of peculiar shape or location or on hillside lots, such regulations may be modified or determined by the Administrator, as provided for in Sec. 12.26-B, 1.

4. Front Yard—Between Projecting Buildings—Where a lot is situated between two lots, each of which has a main building (within [51] twenty-five (25) feet of its side lot lines) which projects beyond the established front yard line and has been so maintained since this Article became effec-

tive, the front yard requirement on such lot may be the average of the front yards of said existing buildings.

5. Front Yard—Adjoining Projecting Building—Where a lot adjoins only one lot having a main building (within twenty-five (25) feet of its side lot lines) which projects beyond the established front yard line and has been so maintained since this Article became effective, the front yard requirement on such lot may be the average of the front yard of the said existing building and the established front yard line.

6. Front Yard—Sloping Lot.—Where the elevation of the ground at a point fifty (50) feet from the front line of a lot and midway between the side lines, differs ten (10) feet or more from the curb level, or where the slope (measured in the general direction of the side lot lines) is twenty (20) per cent or more on at least one-quarter (¼) of the depth of the lot, the front yard need not exceed fifty (50) per cent of that required in the zone. A private garage, not exceeding one story nor fourteen (14) feet in height, may be located in such front yard, provided every portion of the garage building is at least five (5) feet from the front lot line and does not occupy more than fifty (50) per cent of the width of the front yard.

7. Front and Side Yards Waived—The front and side yards shall be waived for dwellings, hotels, and boarding or lodging houses, erected above the ground floor of a building when said ground floor is designed exclusively for commercial or industrial purposes.

8. Front and Side Yards—Unit Development—Where an entire frontage in an "R1" Zone is designed and developed as a unit, the following provisions shall apply: (a) the front yard requirement may be varied by not more than five (5) feet in either direction (i.e., from twenty (20) to thirty (30) feet in the case of a required front yard of twenty-five (25) feet) provided the average front yard for the entire frontage is not less than the minimum front yard required in the zone; and (b) the side yard requirements may also be varied, provided that the total combined width of the two side yards on a lot is not less than that required for lots in the zone, that no side yard shall be less than three (3) feet, and that the minimum distance between the sides of buildings shall not be less than ten (10) feet.

9. Side Yard Waived—For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot; semi-detached two and four-family dwellings, row dwellings, group dwellings and court apartments.

10. Rear Yard—Includes One-Half Alley—In computing the depth of a rear yard where such yard opens onto an alley, one-half (½) the width of such alley may be assumed to be a portion of the required rear yard.

11. Rear Yard—Includes Loading Space—Loading space provided in accordance with this Article may occupy a required open rear yard.

12. Rear and Side Yard—Accessory Building—An accessory building, not exceeding one (1) story nor fourteen (14) feet in height, may occupy not more than fifty (50) per cent of the area of a required rear yard, provided that (a) in the "R1" and "R2" Zones, where a portion of such accessory building is located directly in the rear of a main building, it shall be not less than fifteen (15) feet therefrom; (b) in the "R3," "R4" and "R5" Zones, where a portion of such accessory building is located directly in the rear of a main building, it shall be not less than ten (10) feet therefrom; (c) in the "R1" to "R5" Zones inclusive, where such accessory building is so located in the rear yard that no portion thereof is directly in the rear of a main building, it shall be not less than five (5) feet therefrom; and (d) in the "R1" and "R2" Zones such accessory building or portion thereof may be located at the side of a main building if situated not less than seventy (70) feet from the front lot line and five (5) feet from both the main building and the side lot line.

In no case, however, shall a two (2) story accessory building occupy any part of a required rear yard nor be located nearer than five (5) feet to any lot line.

14. Yards for Buildings Affected by Street Widening—Where a building or structure is located on property acquired for public use (by condemnation, purchase or otherwise), such building or structure may be relocated on the same lot or premises,

although the area regulations of this Article cannot reasonably be compiled with. Further, where any part of such a building or structure is acquired for public use, the remainder of such building or structure may be repaired, reconstructed or remodeled with the same or similar kind of materials as used in the existing building.

14. Additional Dwelling—Front of Lot—Where a dwelling is located on the rear one-half (½) of a lot at the time this Article became effective, an additional dwelling shall be permitted on the front portion of said lot, provided (a) that the lot area requirements are complied with for the zone in which the property is located, except in the "R1" Zone, in which case the lot area requirement shall be twenty-five hundred (2500) square feet in lieu of five thousand (5000) square feet; (b) that the height and required front and side yard regulations shall be observed and the minimum distance between the front of the rear building and the rear of the front building shall not be less than twenty-five (25) feet; and (c) that wherever a building is erected on the front portion of said lot, no structural alterations shall thereafter be made in the rear dwelling and whenever said rear dwelling is damaged to the extent of more than seventy-five (75) per cent of its value or for any reason removed, it shall not be reconstructed or replaced.

15. Additional Dwelling—Large Lot—Where a lot has an area equivalent to two (2) or more times that required by this Article, but without sufficient required frontage for two (2) or more lots, a

dwelling shall be permitted on both the front and rear portions of said lot, provided (a) that all eight and area requirements, except lot width, are complied with; (b) that a strip of land thirty (30) feet wide adjacent to and measured at right angles from the rear lot line, is reserved for future access in addition to the required rear yard; and (c) that a strip of land at least fifteen (15) feet wide, measured at right angles to either side lot line and extending from the street line to the rear portion of the lot, is reserved as a means of access thereto.

16. Lot Area—Includes One-Half Alley — In computing the lot area of a lot which abuts upon one or more alleys, one-half (½) the width of such alley or alleys may be assumed to be a portion of the lot.

17. Lot Area Acreage — Includes One-Half Street—In computing the lot area of a lot in the "A1," "A2" and "RA" Zones, that portion of the width of all abutting streets or highways, which would normally revert to the lot if the street were vacated, may be assumed to be a portion of the lot.

18. Through Lot—Accessory Building—Where a through lot has depth of less than one-hundred-fifty (150) feet, an accessory building not exceeding one (1) story nor fourteen (14) feet in height, may be located in one of the required front yards, if such building is set back from the front lot line a distance of not less than ten (10) per cent of the depth of the lot and at least five (5) feet from any side lot line. Such accessory building shall not project beyond the front yard line of an existing main

building along the frontage, except that such building need not be located more than twenty-five (25) feet from the street line.

19. Through Lot—Bay Be Two Lots—Where a through lot has a depth of one hundred-fifty (150) feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with. An accessory building shall not project beyond the front yard line of an existing main building along the frontage, except that such accessory building need not be located more than twenty-five (25) feet from the street line.

20. Projections Into Yards

(a) A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) story in height and twenty (20) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

(b) Cornices, eaves, belt courses, sills, canopies or other similar architectural features (not including bay windows or vertical projections), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may also project into a required front, side or rear yard not more than one (1) foot,

provided the width of such side yard is not reduced to less than three (3) feet.

(c) Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.

(d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.

(e) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front, side or rear yard not more than six (6) feet.

(f) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into a court a distance of not more than twenty (20) per cent of the width of such court, but in no case more than six (6) feet.

(g) Openwork ornamental fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, may be located in any front, side or rear yard if maintained at a height not more than three and one-half (3½) feet above the average ground level adjacent thereto. Provided, further, that an openwork type railing

not more than three and one-half (3½) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in Subparagraphs (d), (e) and (f).

(h) A fence, lattice-work screen or wall, not more than six (6) feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six (6) feet in height, may be located in any required front yard in the "A" or "RA" Zones and in any required side or rear yard, provided that in the "R" Zones they do not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited. Provided, further, that this provision shall not be so interpreted as to prohibit the erection of an open mesh type fence enclosing an elementary or secondary school site.

(i) Landscape features, such as trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, provided they do not produce a hedge effect contrary to the provisions of Subparagraph (g) above.

(j) Name plates, bulletin boards, or signs appertaining to the prospective sale, lease or rental of the premises on which they are located, as permitted in this Article, shall be allowed in any required front, side or rear yard.

(k) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Provided that gates or other suitable openings at least two and one-half (2½) feet in width shall be deemed adequate for such access.

(l) See also Sec. 12.26-A, 1, (i).

Sec. 12.23—Nonconforming Buildings and Uses.

A. Nonconforming Buildings

1. Maintenance Permitted—A nonconforming building or structure may be maintained, except as otherwise provided in this Section.

2. Repairs—Alterations — Repairs and Alterations may be made to a nonconforming building or structure, provided that in a building or structure, which is nonconforming as to use regulations no structural alterations shall be made except those required by law or ordinance.

3. Additions—Enlargements—Moving

(a) A building or structure nonconforming as to use regulations shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements is made to conform to all the regulations of the zone in which it is located.

(b) A building or structure nonconforming as to height or area regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the zone in which it is located.

Provided, that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty (50) per cent of the floor area contained in said building or structure and that the total aggregate value of all such separate additions and enlargements does not exceed the assessed value of said building or structure at the time it became nonconforming.

(c) A building or structure lacking sufficient automobile parking space in connection therewith as required in Sec. 12.21-A, 4, may be altered or enlarged to create additional dwelling units in the case of dwellings, seats in the case of churches, auditoriums, theaters, stadiums, and other similar places of assembly; floor area in the case of hospitals, institutions, business or commercial buildings; guest rooms in the case of hotels and clubs; and sleeping or living units in the case of tourist courts, provided additional automobile parking space is supplied to meet the requirements of Sec. 12.21-A, 4, for such additional dwelling units, seats, floor area or guest rooms as the case may be.

(d) No nonconforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zone in which it is located.

4. Restoration Damaged Buildings—A nonconforming building or structure which is damaged or

partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than seventy-five (75) per cent of its value at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided the total cost of such restoration does not exceed seventy-five (75) per cent of the value of the building or structure at the time of such damage and that such restoration is started within a period of one (1) year and is diligently prosecuted to completion. In the event such damage or destruction exceeds seventy-five (75) per cent of the value of such nonconforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located.

5. One Year Vacancy—A building, structure or portion thereof, nonconforming as to use, which is, or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.

6. Removal—In all "R" Zones, every nonconforming building or structure which was designed, arranged or intended for a use permitted only in the "C," "CM" and "M" Zones or in the "A" or "RA" Zones but not in the "R" Zones, shall be completely removed, or altered and converted to a conforming building, structure and use when such

buildings or structures have reached, or may hereafter reach, the ages hereinafter specified, computed from the date the building was erected. In the case of buildings defined in the Los Angeles City Building Code as, Class I and II, forty (40) years; Class III and IV, thirty (30) years; and Class V, twenty (20) years. Provided, however, that this regulation shall not become operative until twenty (20) years from the effective date of this Article.

7. Plans Filed—Building Permits—In any case where plans and specifications have been filed with the Department of Building and Safety prior to the effective date of this Article, which plans and specifications are for a building or structure which would conform with the zoning regulations effective at the date of such filing, but not with the regulations of this Article, a building permit for such building or structure shall be issued and any building or structure constructed in accordance therewith shall be deemed to be a nonconforming building or structure within the meaning of this Article; provided, however, that this Paragraph shall apply only in the event that construction on such building or structure is commenced within thirty (30) days after the issuance of said permit and diligently prosecuted to completion.

B. Nonconforming Use of Buildings

1. Continuation and Change of Use—Except as otherwise provided in this Section, (a) the nonconforming use of a building or structure, existing at the time this Article became effective, may be con-

tinued; (b) the use of a nonconforming building or structure may be changed to a use or the same or more restricted classification, but where the use of a nonconforming building or structure is hereafter changed to a use of a more restricted classification it shall not thereafter be changed to a use of a less restricted classification; and (c) a vacant nonconforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the effective date of this Article, and the use of a nonconforming building or structure which becomes vacant after the effective date of this Article, may also be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building becomes vacant.

2. Expansion Prohibited—A nonconforming use of a building or structure conforming to the use regulations, shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the zone in which such building or structure is located. Provided, however, that all nonconforming uses of buildings or structures conforming to the use regulations shall be discontinued not later than five (5) years from the effective date of this Article.

C. Nonconforming Use of Land

1. Continuation of Use—The nonconforming use of land (where no building is involved), existing at the time this Article became effective, may be continued for a period of not more than five (5) years therefrom, provided:

(a) That no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.

(b) That if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Article.

(c) That any sign, billboard, commercial advertising structure or statuary, which lawfully existed and was maintained at the time this Article became effective, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided, further, that all such nonconforming signs, billboards, commercial advertising structures and statuary, and their supporting members, shall be completely removed from the premises not later than five (5) years from the effective date of this Article.

(d) That under no circumstances shall a well for the production of oil, gas or other hydro-carbon substances, which is a nonconforming use under the provisions hereof, be redrilled or deepened.

(e) Nothing herein shall preclude the use of property in any zone for the annual sale of "Christmas trees and ornaments" between December first and twenty-fifth inclusive, provided such use is conducted so as not to be detrimental to the neighborhood.

D. Nonconforming Due to Reclassification

1. The foregoing provisions of this Section shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any reclassification of zones under this Article or any subsequent change in the regulations of this Article; provided, however, that where a period of years is specified in this Section for the removal of non-conforming buildings, structures or uses, said period shall be computed from the date of such reclassification or change.

Sec. 12.24—Conditional Uses Permitted by Commission

A. Location of Permitted Uses—Wherever it is stated in this Article that the following uses may be permitted in a zone if their location is first approved by the Commission, said uses are deemed to be a part of the development of the Master Plan or its objectives and shall conform thereto. Before the Commission makes its final determination a public hearing by the Commission shall be mandatory for certain uses and optional for others:

1. Uses for which at least one public hearing shall be held include: airports or aircraft landing

fields; cemeteries; educational institutions; and golf courses (except driving tees or ranges, miniature courses and similar uses operated for commercial purposes).

2. Uses for which a public hearing is optional include: churches (except rescue mission or temporary revival); schools, elementary and high; and public utilities and public service uses or structures.

B. Additional Uses Permitted—The Commission, after public hearing, may permit the following uses in zones from which they are prohibited by this Article where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the Master Plan:

1. Airports or aircraft landing fields.

2. Cemeteries.

3. Development of natural resources (excluding the drilling for or producing of oil, gas or other hydrocarbon substances) together with the necessary buildings, apparatus or appurtenances incident thereto.

4. Educational institutions.

5. Governmental enterprises (federal, state and local).

6. Libraries or museums, public.

7. Public utilities and public service uses or structures.

8. Large scale neighborhood housing projects, provided they comply with all the yard requirements on the boundary of the property and with the height and lot area regulations of the zone in which

they are located and in no case cover more than forty (40) per cent of the buildable area of the site (excluding accessory buildings).

9. In the "A1," "A2" and "RA" Zones, new self-contained communities with town lot subdivision, provided adequate open spaces and municipal facilities, utilities and services are made available in a manner satisfactory to the Commission. Upon the approval of the location and design of any such self-contained community, the Commission shall initiate any rezoning of the affected area which, in its judgment, is necessary or desirable.

Any of the above uses existing at the time this Section became effective, shall be deemed to have been approved by the Commission and nothing in this Section shall be construed to prevent the enlargement of existing buildings for such uses if all other regulations of this Article are complied with, including the conditions of any special district ordinance, exception or variance heretofore granted authorizing such use.

C. Procedure — Written applications for the approval of the uses referred to in this Section shall be filed in the public office of the Department of City Planning upon forms prescribed for that purpose by the Commission.

The procedure for holding public hearings shall be the same as that required in Sec. 12.32-C.

The Commission shall make its findings and determination in writing within forty (40) days from the date of filing of an application and shall forthwith transmit a copy thereof to the applicant. No

decision of the Commission under this Section shall become effective until after an elapsed period of ten (10) days from the date the written determination is made, during which time the applicant, or any other person aggrieved, may appeal therefrom to the City Council in the same manner as provided for in Sec. 12.32-E.

In approving the uses referred to in this Section, the Commission shall have authority to impose such conditions as are deemed necessary to protect the best interests of the surrounding property or neighborhood and the Master Plan.

Sec. 12.25—Conditional Uses Permitted by Administrator

A. Location of Permitted Uses—Wherever it is stated in this Article that the following uses may be permitted in a zone if their location is first approved by the Administrator, said uses are deemed to be essential to the general purpose and intent of the Comprehensive Zoning Plan and shall conform thereto. Before the Administrator makes his final determination he shall hold a public hearing on all such uses including:

1. Philanthropic or correctional institutions; animal hospitals; cattle feed or sales yards; circus quarters or menageries; goat or cattle dairies; and the keeping of more than five (5) swine, in the "A1," "A2" or "RA" Zones.

2. Dog kennels, or riding stables or academies, in the "RA" Zone.

3. Mortuaries or funeral parlors in the "C2," "C3," "C4" or less restricted zones.

4. Trailer camps or public camps in the "C2," "C3," "C4" or less restricted zones.

Any of the above uses existing at the time this Section became effective, shall be deemed to have been approved by the Administrator and nothing in this Section shall be construed to prevent the enlargement of existing buildings for such uses if all other regulations of this Article are complied with, including the conditions of any special district ordinance, exception or variance heretofore granted authorizing such use.

B. Additional Uses Permitted—The Administrator, after public hearing, may permit the following uses in a zone from which they are prohibited by this Article where such uses are deemed essential or desirable to the public convenience or welfare; are in harmony with the general purpose and intent of the Comprehensive Zoning Plan; and are not detrimental to the immediate neighborhood:

1. Columbariums, crematories or mausoleums, other than in cemeteries.
2. Hospitals or sanitariums.
3. Motion picture studios.
4. Nurseries or greenhouses.
5. Parks, playgrounds, or recreational or community centers, privately operated.
6. Philanthropic or correctional institutions.
7. Private schools other than elementary or high.
8. Private clubs, fraternity or sorority houses.
9. Radio or television transmitters.

10. Business or home occupational uses in residential buildings or permitted accessory buildings in the Oil Drilling Districts as defined in Article 3, Chapter 1 of the Los Angeles Municipal Code, one (1) year after the establishment of such districts. Such uses shall be permitted only for the duration of the Oil Drilling District.

11. Professional uses in existing dwellings (excluding multiple dwellings) in the "R4" or "R5" Zones having frontage on primary or secondary highways, as approved by the Commission, provided such dwellings are not enlarged, the residential character of the dwelling is not changed, and no signs are permitted other than those specifically allowed in the zone or by the Administrator.

12. Trailer camps, public camps, or tourist courts, on any property having frontage on a Federal or State highway.

C. Procedure—Written applications for the approval of the above uses shall be filed in the public office of the Department of City Planning upon forms prescribed for that purpose by the Administrator.

The procedure for holding public hearings shall be the same as that required in Sec. 12.32-C.

The Administrator shall make his findings and determination in writing within forty (40) days from the date of filing of any application and shall forthwith transmit a copy thereof to the applicant. No decision of the Administrator under this Section shall become effective until after an elapsed period of ten (10) days from the date the written

determination is made, during which time the applicant, or any person aggrieved, may appeal therefrom to the Board in the same manner as hereafter provided for in Sec. 12.27.

In approving the uses referred to in this Section, the Administrator shall have authority to impose such conditions as are deemed necessary to protect the best interest of the surrounding property or neighborhood and the Comprehensive Zoning Plan.

Sec. 12.26—Zoning Administrator

A. Variances

1. Authority of Administrator—Where practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this Article may result from the strict and literal interpretation and enforcement of the provisions thereof, the Administrator, upon receipt of a verified application from the owner or lessee of the property affected, stating fully the grounds of the application and facts relied upon, shall have authority to grant, upon such conditions and safeguards as he may determine, such variances therefrom as may be in harmony with their general purpose and intent, so that the spirit of this Article shall be observed, public safety and welfare secured, and substantial justice done, as follows:

(a) Permit the extension of an existing or proposed conforming use into an adjoining more restricted zone.

(b) Permit a building or use, on a lot immediately adjoining or across an alley from a less restricted zone, upon such conditions and safeguards as will tend to cause an effective transition from the less restricted to the more restricted zone.

(c) Permit an appropriate development or use on a lot which adjoins a building or use existing by virtue of a zone variance or exception granted prior to the effective date of this Article, but in no case shall such development or use extend more than sixty (60) feet from the adjoining lot line of said existing building or use.

(d) Permit in the "A," "RA" or "R" Zones, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial or industrial zones.

(e) Permit the addition or enlargement of a building or structure, nonconforming as to use regulations, provided such addition or enlargement complies with all height and area regulations of the zone in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed fifty (50) per cent of the floor area contained in said building or structure, and that the total aggregate value of all such separate additions or enlargements does not exceed the assessed value of said building or structure at the time it became nonconforming.

Provided, further, that no such addition or enlargement shall be permitted which tends to prolong the life of the original building or structure and that such addition or enlargement shall be removed not later than the original building as required in Sec. 12.23-A, 6.

(f) Permit, in the "R1," "R2," "R3" and "R4" Zones, a transitional use on a lot adjoining a building nonconforming as to use, provided such transitional use shall only be a use permitted in the next less restricted zone than the one in which the nonconforming building is located, such as an "R2" use in an "R1" Zone.

(g) Permit the use of a building or portion thereof nonconforming as to use, which has been vacant or unoccupied for a continuous period of one (1) year, for a use other than that permitted in the zone in which such nonconforming building is located, within two (2) years after the termination of the one (1) year vacancy.

(h) Permit a less restricted use in a more restricted zone as follows: any "C" Zone use in any other "C" Zone; any "M1" use in the "C2," "C3" or "C4" Zones; and "M1" use in the "CM" Zone (without limitation on the per cent of floor area to be used); any "M2" use in an "M1" Zone; and any "M3" use in an "M2" Zone, provided such use, due to its limited nature, modern devices, or building design, will be no more objectionable than the uses permitted in such zone.

(i) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot.

(j) Permit the modification or waiver of the automobile parking space or loading space requirements where, in the particular instance, such modification or waiver will not be inconsistent with the purpose and intent of this Article.

(k) Permit the modification of the conditions under which specific uses are allowed in certain zones.

(l) Permit in connection with an authorized use, in the "A1," "A2" and "RA" Zones, such commercial or industrial uses as are purely incidental to such authorized use.

(m) Permit temporary buildings and uses for periods of not to exceed two (2) years in undeveloped sections of the City, and for periods of not to exceed six (6) months in developed sections.

(n) Permit in the "M3" Zone the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, provided suitable sanitary and other facilities can be made available without extra expense to the City.

2. Variance Requirements—No variance shall be granted unless the applicant can produce facts to show that practical difficulties and unnecessary

hardship, within the meaning of the provisions of this Article, would result from the strict compliance with the provisions thereof and, further, no variance shall be granted unless it appears, and the Administrator specifies in his findings the facts which establish beyond a reasonable doubt:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, that do not apply generally to the property or class of uses in the same district or zone;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity;

(c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or district in which the property is located; and

(d) That the granting of such variance will not adversely affect the Master Plan.

3. Variance Applications — Form and Contents—Applications for variances as provided in this Section shall be filed with the Administrator in the public office of the Department of City Planning upon forms and accompanied by such data and information as may be prescribed for that purpose by the Administrator so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by

the owner or lessee of the property involved attesting to the truth and correctness of all facts and information presented with such application. The Department of City Planning may, upon receipt of the required service charge, prepare any map and property owners list required by the Administrator in his consideration of a variance application.

4. Hearing Date—Notice—Upon the filing of such verified application, the Administrator shall set a reasonable time for considering and hearing the same and shall give notice thereof to the applicant and any other parties at interest. If deemed desirable or expedient so to do, he may set the matter for public hearing and give notice of the time and place of such hearing and the purpose thereof by the method described below. Provided, however, that every application for variance involving a matter coming within the purview of Subparagraphs (a) to (f) inclusive, Paragraph 1 of this Subsection, shall be set for public hearing and notice given of the time, place and purpose thereof by the following method:

(a) By mailing a postal card or letter notice not less than five (5) days prior to the date of such hearing to the owners of all property within three hundred (300) feet of the property involved, using for this purpose the last known name and address of such owners as shown upon the records of the City Clerk. Where all property within the three hundred (300) foot radius is under the same ownership as the property involved in the application,

the owners of all property adjoining that owned by the applicant shall also be notified in the same manner as herein provided.

5. Determination by Administrator—If from the facts presented in connection with the application for variance, at the public hearing or by investigation by or at the instance of the Administrator, he makes the findings set forth in Paragraph 2, Subsection A of this Section and the requested variance comes within the purview of Paragraph 1, Subsection A of this Section, the Administrator may grant the requested variance in whole or in part upon such conditions and safeguards as he may deem proper to preserve the public health, safety, convenience and welfare, the general intent and purposes of these regulations and the Master Plan. If he fails to make the findings set forth in Paragraph 2, Subsection A of this Section, or if in his opinion the granting of the request would be contrary to the intent and purpose of these regulations, the Administrator shall deny the requested variance. The Administrator shall make his findings and determination in writing within forty (40) days from the date of filing of any application, and shall forthwith transmit a copy thereof to the applicant, to the Director of Planning and to the Commission.

6. Determination Effective—Appeal—The determination of the Administrator shall be final on all matters under his jurisdiction under this Chapter, except that appeals therefrom may be taken to the Board as hereafter provided for in Sec. 12.27. No

variance granted by the Administrator shall become effective until after an elapsed period of ten (10) days from the date the written determination is made, during which time an appeal may be filed with the Board. If, after said ten (10) day period no appeal is filed, such variance shall be authority for the issuance of a permit or license by any department or person vested with the duty or authority to issue same. The violation of any of the conditions imposed by the Administrator or Board in connection with the granting of any variance or action taken pursuant to the authority of this Chapter, shall constitute a violation thereof and shall be subject to the same penalties as any other violation of this Chapter.

7. Condition of Variance—Each determination of the Administrator granting a variance shall, where appropriate, contain as a condition thereof the following: "The variance hereby allowed is conditional upon the privileges being utilized within one hundred-eighty (180) days after the effective date hereof, and if they are not utilized or construction work is not begun within said time, and carried on diligently to completion of at least one usable unit, this authorization shall become void, and any privilege or variance granted hereby shall be deemed to have lapsed." The Administrator, however, shall have authority to extend the time limit in the case of unavoidable delay. Once any portion of the variance privilege is utilized, the other conditions thereof become immediately operative and must be strictly complied with.

8. Continuance of Variance or Exception—No provision of this Section shall be interpreted or construed as limiting or interfering with the rights established by any variance or exception granted prior to the effective date of this Article, (a) by ordinance pursuant to the provisions of Ordinances Nos. 42,666 (N.S.), 66,750, 74,140 or Chapter 1 of the Los Angeles Muncipal Code; (b) by determination of the Administrator or Board pursuant to the provisions of Chapter 1 of said Code; or (c) by determination of the former Board of City Planning Commissioners pursuant to the provisions of Ordinance No. 74,145 or Chapter 1 of said Code. Notwithstanding any of the provisions of such ordinance granting a variance or exception, the Administrator shall henceforth have jurisdiction to perform all administrative acts with which the Board of City Planning Commissioners, City Council or its Planning Committee were formerly charged under such ordinance, such as approving plans, signs, types of use, and the like. The use of any building, structure or land existing, at the time this Article became effective, by virtue of any exception from the provisions of former Ordinance No. 33,761 (N.S.), may be continued, provided no new building or structure is erected; no existing building or structure is enlarged; and no existing use of the land is extended.

9. Discontinuance of Variance or Exception—Revocation—If the use authorized by any exception or variance granted by ordinance, or by determination of the Administrator or Board, is, or has been,

abandoned or discontinued for a period of six (6) months or the conditions of the variance have not been complied with, the Administrator, upon knowledge of such fact, shall give notice to the record [52] owner or lessee of the real property affected thereby to appear at a time and place fixed by the Administrator and show cause why the ordinance, or the determination of the Administrator or the Board, granting the exception or variance should not be repealed or rescinded as the case may be. After such hearing, the Administrator may revoke the variance, or if an ordinance is involved and he so recommends, the Council may repeal the ordinance, and after such revocation or repeal the property affected thereby shall be subject to all the regulations of the zone in which such property is located, as provided in this Article.

10. Failure to Utilize Variance or Exception—Repeal—If the rights established by any ordinance heretofore adopted authorizing an exception or conditional variance from the provisions of Chapter 1 of the Los Angeles Muncipal Code, or Ordinances Nos. 42,666 (N.S.), 66,750 and 74,140, have not been executed or utilized, the record owner of the real property involved in the ordinance shall be notified by the Administrator that the ordinance will be repealed if the privilege granted thereby is not exercised within six (6) months. If, during the six (6) months period following such notification, the record owner has not proven to the satisfaction of the Administrator that the rights granted by such ordinance have been exercised or utilized, or where

some form of construction work is involved or authorized, such construction work, or some unit thereof, has actually commenced, the Council shall be so notified and may repeal the ordinance granting such exception or conditional variance. After such repeal, the property affected thereby shall be subject to all the regulations of the zone in which such property is located, as provided in this Article.

B. Modification of Yard Regulations

1. Lots of Peculiar Shape or Location—Hillside Lots—In the case of lots of peculiar shape or location or on hillside lots, the Administrator may permit a modification in the application of the yard regulations or the location of accessory buildings on such lots, and he may adopt general interpretations or rulings determining the proper application of such regulations to a specific area or a group of lots each affected by a common problem, or to a particular type or shaped lot which exists in a number of locations or he may determine each individual case as it may arise.

2. Fences, Walls in Front Yards—Estates—In those cases where there are large districts in the "R" Zones where the development is of suburban or state character and containing a substantial number of lots having an area of approximately twenty thousand (20,000) square feet or more, the Administrator may modify the application of the yard regulations to permit fences, walls or hedges in the required front yards, similar to those authorized in the "A" or "RA" Zones by Sec. 12.22-C, 20 (h).

C. Interpretation of Provisions

1. Interpretation in Writing—Whenever there is any question regarding the interpretation of the provisions of this Chapter or their application to any specific case or situation, the Administrator shall interpret the intent of this Chapter by writing decision and such interpretation shall be followed in applying said provisions.

D. Approval of Conditions and Methods of Operation

1. Approval in Writing—Where uses are permitted subject to the approval of the Administrator as to conditions and methods of operation, the Administrator, upon written request, shall have authority to determine and prescribe such conditions and methods of operation under which such uses shall be permitted and shall do so in writing. After the receipt of such request, the Administrator shall make his written determination within twenty (20) days and shall forthwith transmit a copy thereof to the applicant.

Sec. 12.27—Board of Zoning Appeals

A. Appeals

1. Right of Appeal—Any order, requirement, decision, determination, interpretation or ruling made by the Administrator in the administration or enforcement of the provisions of this Chapter, may be appealed therefrom to the Board by any person aggrieved, or by an officer, board, department or bureau of the City. The taking of an appeal stays proceedings in the matter appealed from until the determination of the appeal.

2. Notice of Appeal—Form and Contents—The notice of appeal shall be in writing and shall be filed in duplicate, in the office of the Administrator, upon forms provided by the Board. An appeal from any order, requirement, decision, determination or interpretation by the Administrator in the administration or enforcement of the provisions of this Chapter, must set forth specifically wherein there was error or abuse of discretion on his part. An appeal from the rulings, decisions and determinations by the Administrator denying or granting a variance, must set forth the particulars wherein the application for variance did meet or did fail to meet, as the case may be, those qualifications or standards set forth in Sec. 12.26-A, 2, as being prerequisite to the granting of any variance.

3. Time for Filing—Any appeal not filed within ten (10) days after the rendition, in writing, of the decision appealed from, shall be dismissed by the Board.

4. Record on Appeal—Within five (5) days after his receipt of the notice of appeal, the Administrator shall transmit to the Board copies of all papers involved in the proceedings, a copy of his findings and determination relative thereto, and one copy of the notice of appeal. In addition, he may make and transmit to the Board such supplementary report as he may deem necessary to present clearly the facts and circumstances of the case.

5. Hearing Date—Notice—Upon receipt of the record, the Board shall set the matter for hearing and give notice by mail of the date, time and place

thereof to the appellant, to the Administrator, and to any other party at interest who has requested in writing to be so notified, and no other notice thereof need be given, except in those cases hereinafter mentioned.

In cases where the appeal is from a determination granting or denying a variance or a conditional use the Board shall not reverse or modify, in whole or in part, any determination of the Administrator unless notice of the time, place and purpose of the hearing has been given by mailing post card notices at least five (5) days prior to said hearing to the owners of the property within three hundred (300) feet of the exterior boundaries of the property involved. The last known name and address of each owner, as shown upon the records of the City Clerk, shall be used for the aforementioned notice.

6. Hearing Date—Continuance—Upon the date set for the hearing the Board shall hear the appeal unless, for cause, the Board shall on that date continue the matter. No notice of continuance need be given if the order therefor be announced at the time for which the hearing was set.

7. Authority of Board—Upon hearing the appeal, the Board shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, determination, interpretation or ruling appealed from, or make and substitute such other or additional decision or determination as it may find warranted under the provisions of this Chapter. The standards herein

established to govern the discretion of the Administrator shall apply with equal force to actions of the Board.

8. Decision by Resolution—The decision of the Board upon the appeal shall be expressed by resolution in writing concurred in by at least two (2) members of the Board and the Board shall forthwith transmit a copy thereof to the applicant and appellant. If the decision be adverse to that of the Administrator on any action concerning the administration or enforcement of the provisions of this Chapter, the resolution by the Board shall specify wherein there was an error or abuse of discretion on his part. No determination of the Administrator granting or denying a variance, shall be reversed or modified by the Board unless the Board shall include in its decision a finding of fact showing wherein the application did meet or did fail to meet the variance requirements set forth in Sec. 12.26-A, 2, as being prerequisite to the granting of any variance.

B. Procedural Rules

1. The Board may adopt from time to time such rules of procedure, not inconsistent with the provisions of this Article, as it may deem necessary to properly exercise its jurisdiction. All such rules shall be kept posted in the public office of said Board, and a copy thereof shall be furnished to any appellant upon his request.

2. The Board shall elect one of its members as Chairman who shall serve for a one (1) year period ending the last week of July of each year. Meetings

of the Board shall be at the call of the Chairman or at such other times as the Board may determine. All meetings of the Board shall be open to the public, and minutes of its proceedings shall be kept showing the vote of each member upon each matter before it for decision, or his absence or failure to vote.

3. Until other provision is made, the Secretary of the City Planning Commission shall also serve as Secretary to the Board, and the staff of the Department of City Planning, through its Director, shall assist the Board in performing its duties and functions.

4. The Board may, in its discretion, in the interest of the prompt dispatch of its business, require all or any part of the additional evidence which may be offered upon any appeal to be reduced to written form.

Sec. 12.28—Certificate of Occupancy

No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the Superintendent of Building.

A. Certificate of Occupancy for a Building—Certificate of occupancy of a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued after the request for same shall have been made in writing to the Superintendent of Building

after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a Temporary Certificate of Occupancy may be issued by the Superintendent of Building for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this Article, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

B. Certificate of Occupancy for Land—Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of tilling the soil and growing therein of farm, garden or orchard products; and a Certificate of Occupancy shall be issued after the application has been made, provided such use is in conformity with the provisions of these regulations.

C. Certificate of Occupancy — Contents — Filing—Fee—Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all laws and ordinances and with the provisions of these regulations. A record of all cer-

tificates shall be kept on file in the office of the Superintendent of Building, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. A fee of two dollars ($2.00) shall be charged for each original Certificate of Occupancy, and a fee of one dollar ($1.00) each shall be charged for duplicate copies of the certificate.

No excavation for any building shall be started before application has been made for a Certificate of Occupancy.

Sec. 12.29—Plats

All applications for a Certificate of Occupancy shall be made on a printed form to be furnished by the Superintendent of Building and shall contain accurate information and dimensions as to the size of and location of the lot; the size and location of the buildings or structures on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary to provide for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Superintendent of Building may require the applicant to furnish a survey of the lot prepared by a licensed surveyor. A careful record of the original copy of such applications and plats shall be kept in the office of the Superintendent of Building, and the duplicate copy shall be kept at the building at all times during construction.

Sec. 12.30—Boundaries of Zones

Where uncertainty exists with respect to the boundaries of the various zones, as shown on the zoning map accompanying and made a part of this Article, the following rules shall apply:

A. Streets or Alleys—The zone boundaries are either streets or alleys, unless otherwise shown, and where the indicated boundaries on said zoning map are approximately street or alley lines, said streets or alleys shall be construed to be the boundaries of such zone.

B. Lot Lines—Where the zone boundaries are not shown to be streets or alleys, and where the property has been or may hereafter be divided into blocks and lots, the zone boundaries shall be construed to be lot lines; and where the indicated boundaries on the zoning map are approximately lot lines, said lot lines shall be construed to be the boundaries of such zone, unless said boundaries are otherwise indicated on the map.

C. Scale on Map—Determination by Commission—Where the property is indicated on the zoning map as acreage and not subdivided into lots and blocks, or where the zone boundary line shall be determined by the Commission by written decision, boundary lines on the zoning map shall be determined by the scale contained on such map, and where uncertainty exists, the zone boundary line shall be determined by the Commission by written decision. In the event property shown as acreage on the zoning map has been or is subsequently sub-

divided into lots and blocks by a duly recorded subdivision may and the lot and block arrangement does not conform to that anticipated when the zone boundaries were established, or property is resubdivided by a duly recorded subdivision map, into a different arrangement of lots and blocks than shown on said zoning map, the Commission, after notice to the owners of property affected thereby and hearing, may interpret the zoning map and make minor readjustments in the zone boundaries in such a way as to carry out the intent and purposes of these regulations and conform to the street and lot layout on the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the zoning map in the offices of the Departments of City Planning and Building and Safety shall be changed to conform thereto.

D. Symbol for Zone—Where one symbol is used on the zoning map to indicate the zone classification of an area divided by an alley or alleys, said symbol shall establish the classification of the whole of such area.

E. Street or Right of Way—Allocation or Division—A street, alley, railroad or railway right of way, watercourse, channel or body of water, included on the zoning map shall, unless otherwise indicated, be included within the zone of adjoining property on either side thereof; and where such street, alley, right of way, watercourse, channel or body of water, serves as a boundary between two or more different zones, a line midway in such street, alley, right of way, watercourse, channel or

body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between zones.

F. Vacated Street or Alley—In the event a dedicated street or alley shown on the zoning map is vacated by ordinance, the property formerly in said street or alley shall be included within the zone of the adjoining property on either side of said vacated street or alley. In the event said street or alley was a zone boundary between two or more different zones, the new zone boundary shall be the former center line of said vacated street or alley.

Sec. 12.31—Interpretation—Purpose—Conflict

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by the Chapter to interfere with or abrogate or annual any easement, covenant or other agreement between parties. Where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Chapter shall control. Provided, that such provisions shall not apply to any variance or exception granted prior to the effective date of this Article, (a) by ordinance pursuant to the provisions of Ordinances Nos. 42,666 (N.S.), 66,750, 74,140 or Chapter 1 of the Los Angeles Muncipal Code; (b)

by determination of the Administrator or Board pursuant to the provisions of Chapter 1 of said Code; and (c) by determination of the former Board of City Planning Commissioners pursuant to the provisions of Ordinance No. 74,145 or Chapter 1 of said Code. Provided, further, that such provisions shall not be interpreted or construed as interfering with the continuation of those existing specific uses which heretofore were required by ordinance to be located in the following special districts: (a) Cemetery Districts—Ordinance No. 19,534 (N.S.); (b) Undertaking Districts — Ordinance No. 31,746 (N.S.); (c) Public Camp Districts—Ordinance No. 44,434 (N.S.); (d) Mental Sanitarium Districts—Ordinance No. 58,647; and (e) Rabbit and Poultry Slaughter House Districts—Ordinance No. 65,050. In no case, however, shall any of the above uses be extended or expanded on to property not so used at the time this Article became effective.

Sec. 12.32—Changes and Amendments

A. Procedure for Change—Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may by ordinance, after report thereon by the Commission and subject to the procedure provided in this section, amend, supplement or change the regulations, zone boundaries, or classifications of property, now or hereafter established by this Article. An amendment, supplement, reclassification or change may be initiated by a resolution of intention by the Commission or the City Council or by a verified appli-

cation of one or more of the owners or lessees of property within the area proposed to be changed.

B. Applications for Change—Form and Contents—Applications for any change of zone boundaries or reclassification of zones, as shown on the zoning map, shall be filed with the Commission in the public office of the Department of City Planning upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.

Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.

C. Hearing Date—Notice—Upon the filing of such application or the adoption of such resolution by the Commission or City Council, the matter shall be referred to the Administrator for report and recommendation and shall be set for hearing before the Commission. Notice of the time, place and purpose of such hearing shall be given by the following method:

1. By at least one publication in a newspaper of general circulation in the City, designated for that purpose by the City Council and not less than ten (10) days prior to the date of hearing.

2. By mailing a postal card or letter notice not less than five (5) days prior to the date of such hearing to the owners of all property within three

hundred (300) feet of the area proposed to be changed, using for this purpose the last known name and address of such owners as shown upon the records of the City Clerk. Where all property within the three hundred (300) foot radius is under the same ownership as the property proposed to be changed, the owners of all property adjoining that owned by the applicant shall also be notified in the same manner as herein provided.

3. In connection with a hearing concerning only the amending, supplementing or changing of the text of this Chapter, the published notice of public hearing, as provided in Paragraph 1 of this Subsection, shall suffice.

D. Decision by Commission and City Council— The report and recommendation of the Administrator on each such application or resolution shall be submitted to the Director of Planning and the Commission. If, from the facts presented, the Commission finds that public necessity, convenience, general welfare or good zoning practice require the change or reclassification involved or any portion thereof, the Commission may recommend such change to the City Council and otherwise it shall deny the application. The Commission shall make its findings and determination in writing within thirty (30) days from the date of filng of any application and shall forthwith transmit a copy thereof to the applicant. If the application is approved, the Commission shall forward its findings and recommendations to the City Council. The City Council, after it or its Planning Committee has conducted a public hearing

thereon, with published notice thereof, as provided in Paragraph 1, Subsection C of this Section, may by ordinance effect such amendment, supplement, change or reclassification or any portion thereof.

E. Denial — Appeal — If an application for change or reclassification is denied by the Commission as provided above, the applicant may within twenty (20) days from the date the notification of denial was mailed to said applicant, appeal to the City Council by written notice of appeal filed with the City Clerk. Said appeal shall be filed in duplicate and shall set forth specifically wherein the Commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice require such change or reclassification. Said appeal must be referred to the Commission, and thereupon the Commission shall make a report to the City Council disclosing in what respect it failed to find that the public necessity, convenience, general welfare or good zoning practice requires the change or reclassification involved. The City Council may, by a two-thirds (2/3) vote of the whole of said Council, grant any such appealed application, but before making any change in the recommendation of the Commission, the Council or its Planning Committee must set the matter for hearing, giving the same notice of hearing as that provided in Paragraphs 1 and 2, Subsection C of this Section and must make a written finding of fact setting forth wherein the Commission's findings were in error. The procedure of the City Council in effecting a change or reclassification of property

initiated by resolution of intention, rather than by application of property owners, or for an amendment or supplement to the text which has been disapproved or partially disapproved by the Commission, shall be the same as that outlined above in this Subsection for the granting of an appealed application, except that the published notice of hearing, as provided above, shall suffice on any matter involving only an amendment or supplement to the text of this Chapter.

F. Changes Incident to Subdivisions—The City Council shall have authority to make changes without holding a public hearing where, in the subdivision of an area, it is found by the Commission that the zones, as shown on the zoning map, do not conform with the best subdivision and use of the land. In such instances, the City Council may, upon the recommendation of the Commission, authorize within the boundaries of the area being subdivided, the appropriate adjustment of zone boundaries or the reclassification of the area into a more restricted zone. Such recommendation of the Commission to the City Council shall be made only after receipt of a written request by the owner of the area being subdivided, but no public hearing or filing fee shall be required by the Commission.

Sec. 12.33—Filing Fees—Service Charges

A. Fee for Application—Before accepting for filing any application hereinafter mentioned, the Department of City Planning shall charge and collect the following filing fees:

1. Change of Zone—Oil Drilling District—For each application for a change of zone boundaries, reclassification of zone, or the establishment or change in the boundary of an oil drilling district, a fee of forty dollars ($40.00) for the first block or portion thereof, plus five dollars ($5.00) for each additional block or portion thereof.

2. Variances—Conditional Uses—For each application for a variance from the height or area provisions of this Article, a fee of ten dollars ($10.00); for each application for a variance from other provisions of this Article or for conditional use, a fee of thirty-five dollars ($35.00); provided, that such fees shall not apply to applications filed by the Los Angeles City Board of Education, and budgetary departments of the City.

In those cases where more than one (1) record lot is involved, the above fee for a variance or conditional use shall apply to the first lot or portions thereof and there shall be an additional fee of one dollar ($1.00) for each additional lot or portion thereof. Provided, however, that where the property involved has not been subdivided into lots of less than one (1) acre in area, the additional fee shall be three dollars ($3.00) for each additional acre or portion thereof.

3. Appeal to Board—For each notice of appeal to the Board from any order, requirement, decision, determination, interpretation or ruling of the Administrator in the administration or enforcement of the provisions of this Chapter, a fee of ten dollars ($10.00).

The fee for the filing of an application as herein provided and the service charge for a use map and property owners list heretofore specified in Subsection B of this Section, may be paid at the same time, in which case the date of filing such application shall be the date on which the Department of City Planning completes said map and list.

B. Service Charge—Map and List—Upon the request of any person, the Department of City Planning shall prepare or cause to be prepared the Uses Map and Property Owner's List required by the rules and regulations of the Commissioner or Administrator, and shall collect a service charge as follows:

1. Change of Zone—Oil Drilling District—In connection with an application for a change of zone boundaries, reclassification of zone, or the establishment or change in the boundary of an oil drilling district, the sum of fifteen dollars ($15.00) for the first block or portion thereof plus five dollars ($5.00) for each additional block or portion thereof.

2. Variances—Conditional Use — In connection with an application for a variance from the provisions of this Article, or for a conditional use, the sum of ten dollars ($10.00).

In those cases where more than one (1) record lot is involved, the above sum for a variance or conditional use shall apply to the first lot or portion thereof and there shall be an additional fee of one dollar ($1.00) for each additional lot or portion thereof. Provided, however, that where the property involved has not been subdivided into lots of

less than one (1) acre in area, the additional fee shall be three dollars ($3.00) for each additional acre or portion thereof.

C Block—For the purpose of this Section a "block" shall mean the "frontage" (as in this Article defined) on both sides of a street. Where said block is more than six hundred-sixty (660) feet in length each such length or portion thereof shall constitute a separate block. In the case of unsubdivided property a block shall be assumed to be the conventional size of 330′x660′.

Sec. 12.34—Permits—Licenses—Compliance

Any license, permit or certificate of occupancy, issued in conflict with the provisions of this Chapter, shall be null and void.

Sec. 12.35—Administration—Enforcement

A. Authority of Commission—The Commission shall have authority to establish from time to time such policies, or methods of operation not in conflict with the provisions of the Charter, as it deems necessary to facilitate and insure the proper administration and enforcement of this Chapter by the Administrator. Whenever the Commission shall establish any such policies, or methods of operation, it shall furnish the Administrator with a copy thereof, and it shall be his duty to comply therewith in the administration and enforcement of the provisions of this Chapter. Further, the Administrator shall make such periodical summary reports as required by the Commission, giving a resume of all

applications received by him, the nature of the cases and his decisions and reasons therefor.

B. Authority of Administrator—The Administrator shall have the control of and be responsible for the administration and enforcement of the regulations and provisions of this Chapter. He shall also have the authority to establish from time to time such rules and regulations as he deems necessary to properly exercise his authority under the provisions of this Chapter. Whenever the Administrator shall establish any such rules and regulations which are of general application or shall make any ruling under or any interpretation of the various provisions of this Chapter, which rulings or interpretations are of general application, he shall thereupon furnish a copy thereof to the City Clerk who shall have the same published once in a daily newspaper of general circulation in the City of Los Angeles designated for that purpose. He shall keep a permanent record of the proceedings had in connection with each application and each matter presented to him for determination.

The Administrator shall from time to time furnish such information to the various departments, officers or employees of the City vested with the duty or authority to issue permits or licenses as will insure the proper administration and enforcement of the provisions of this Chapter and the interpretations and determinations of the Administrator and the Board. To that end, it shall be the duty of said departments, officers or employees to cooperate with the Administrator.

C Inspection of Premises—In the enforcement of this Chapter, the Administrator or his authorized representative shall have the authority to enter any building or upon any premises for the purpose of investigation and inspection; provided, however, that no dwelling shall be so entered without the consent of the occupant unless a twenty-four (24) hour notice of intention to enter shall have been served upon such occupant.

D. Legal Proceedings by City Attorney—The City Attorney upon request of the Administrator or his representative, shall institute any necessary legal proceedings to enforce the provisions of this Chapter, and the City Attorney is hereby authorized, in addition to other remedies, to institute an action for an injunction to restrain, or any other appropriate action or proceedings, to enforce such provisions.

E. Enforcement by Chief of Police—The Chief of Police and his authorized representatives, shall have the power, upon the request of the Administrator or his representatives, to assist in the enforcement of the provisions of this Charter.

Section 2—That Article 3 of Chapter 1 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended in its entirely so as to read as follows:

Article 3—Oil Drilling Districts

Sec. 13.00—Oil Drilling Districts—Establishment—Conditions Controlling Drilling and Production

A. Establishment of Districts — Procedure — Limitations—The procedure for the establishment

of oil drilling districts or the extension of existing districts under Subdivision E of this Section shall be the same as that provded for in Sec 12.32, Article 2, of the Los Angeles Municipal Code (Changes and Amendments).

Each application for the establishment of such district shall include a net area of not less than one (1) acre (excluding public streets, alleys, walks or ways), consisting of one or more contiguous parcels of land which may be separated by a public alley or walk.

In no case shall a district of less than one (1) net acre be established nor shall more than one (1) well be permitted for each acre in a district. Further, no person shall be permitted to conduct any oil drilling and production operations in a district on a drilling site area of less than one (1) net acre, computed in the manner described in this Subsection, except that such site may be less than one (1) net acre in area when surrounded on all sides by streets.

B. Conditions Controlling Oil Drilling and Production—The Administrator shall have the authority and duty to determine and prescribe the conditions under which operations shall be conducted in connection with the drilling for and producing of oil, gas or other hydrocarbons, on a drilling site within the districts hereafter described in Subsection E of this Section.

No operations shall be commenced nor shall any permit be issued therefor until the Administrator makes a written determination prescribing the conditions under which such operations shall be conducted.

Any person desiring to conduct oil drilling and production operations in a district established under this Section, shall file a written application with the Administrator requesting a determination prescribing the conditions under which such operations shall be conducted.

Upon receipt of such application, the Administrator shall investigate the drilling site as well as the surrounding area in order to determine the conditions to be prescribed for the drilling and production operations so as to adequately protect the surrounding property and improvements.

Where the drilling site is so located as to isolate any parcel of land in such manner that it could not be joined with other land so as to create another drilling site of at least one (1) net acre, the Administration shall require, as a condition to the drilling and production on such site, that the owner, lessee or permittee and their successors in interest of such site, shall pay in lawful money of the United States of America to the owners of each such isolated parcel, their successors or assigns, a share of the proceeds of all oil, gas or other hydrocarbon substances produced or saved from the well in that proportion of the amount required to be paid as landowners royalty to the land owners of the property involved in the drilling site that the area of such isolated parcel bears to the total area of all such isolated parcels and the property involved in the drilling site. In no case, however, shall the owner of each isolated parcel or his successors in interest or assigns be paid an amount less than the

proportion of one-sixth (1/6) of the total production of the well that the area of the isolated parcel bears to the total area of all isolated parcels and the property involved in the drilling site.

The Administrator shall make his written determination, as herein provided, within twenty (20) days from the date of filing of the application and shall forthwith transmit a copy thereof to the applicant.

C. Determination Effective—Appeal—No determination by the Administrator under this Section shall become effective until after an elapsed period of ten (10) days from the date such written determination is made, during which time an appeal therefrom may be taken to the Board as provided for in Sec. 12.27, Article 2, of the Los Angeles Municipal Code (Board of Zoning Appeals).

D. Violation of Conditions—Penalty—The violation of any determination by the Administrator as provided in this Section, shall constitute a violation of the provisions of this Article and shall be subject to the same penalties as any other violation of the Los Angeles Muncipal Code.

E. Description of Districts—The districts referred to in Subsection B of this Section, within which the Administrator shall determine and prescribe conditions under which oil drilling and production operations shall be conducted, are described as follows:

1 That portion of the Shoestring Addition, annexed December 26, 1906, between Athens Boulevard and Redondo Beach Boulevard.

2. That portion of the Palms Addition, annexed May 22, 1915, bounded on the north by Higuera Street and its easterly prolongation along Jefferson Boulevard; on the east by Moynier Lane; and on the south, southwest, northwest, and west by the boundary line of the City of Los Angeles established by Ordinance No. 32,191 (N.S.), said boundary line being also the common boundary line between the City of Los Angeles and Culver City.

3. That portion of the San Fernando Addition, annexed May 22, 1915, comprising Lots 6, 7 and 8, Tract No. 10422 as per map recorded in Book 157, Pages 38 to 44 both inclusive, of Maps, Records of Los Angeles County, located westerly of San Fernando Road and Balboa Boulevard, and adjacent to the northerly boundary line of the City of Los Angeles established by Ordinance No. 32.192 (N.S.).

4. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the east by Frigate Avenue; on the south by "L" Street; on the west by Figueroa Street; and on the north by "Q" Street.

5. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded as follows: beginning at the intersection of Avalon Boulevard and Pacific Coast Highway; thence southerly along Avalon Boulevard to Anaheim Street; thence westerly along Anaheim Street to Nepture Avenue; thence northerly along Nepture Avenue to Opp Street; thence westerly along Opp Street to McDonald Avenue; thence northerly along McDonald Avenue to Pacific Coast Highway; thence along Pacific Coast Highway to Avalon Boulevard.

6. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded as follows: beginning at the intersection of Anaheim Street and the East Boundary Line of the City of Los Angeles; thence westerly along Anaheim Street to Avalon Boulevard; thence northerly along Avalon Boulevard to Pacific Coast Highway; thence easterly along Pacific Coast Highway to Broad Avenue; thence southerly along Broad Avenue to a line parallel with and distant 125 feet northerly of the northerly line of "L" Street; thence easterly along said parallel line to a line parallel with the distant 300 feet easterly of the easterly line of Hyatt Avenue; thence northerly along said parallel line and its northerly prolongation to the westerly prolongation of "P" Street; thence easterly along said prolongation and along "P" Street to Blinn Avenue; thence southerly along Blinn Avenue to Robidoux Street; thence easterly along Rodiboux Street and its easterly prolongation to Alameda Street; thence southwesterly along Alameda Street to Young Street; thence easterly along Young Street to its easterly terminus and continuing southeasterly along the Southern Pacific Railroad Company Right of Way to the northerly roadway of "I" Street; thence easterly along said "I" Street to the East Boundary Line of the City of Los Angeles; thence southeasterly along said Boundary to Anaheim Street.

7. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded as follows: beginning at the intersection of Avalon Boulevard

and "B" Street; thence northerly along Avalon Boulevard to Anaheim Street; thence easterly along Anaheim Street to Alameda Street; thence southwesterly along the Southern Pacific Railroad Company Right of Way to "B" Street; thence westerly along "B" Street to Avalon Boulevard.

8. That portion of the San Fernando Addition Annexed May 22, 1915, consisting of Block 180 of the Maclay Rancho, Ex Mission de San Fernando, as per map recorded in Book 37, Pages 5 to 16, inclusive, Miscellaneous Records of Los Angeles County, located northeasterly of Bradley Street between Needham and Gilford Avenues.

9. That portion of the San Fernando Addition annexed May 22, 1915, consisting of the southwesterly ¼ of the southwesterly ¼ of Section 6, Township 2 North, Range 15 West, S. B. B. & M., Records of Los Angeles County, State of California, lying easterly and adjacent to the easterly line of Balboa Avenue (60 feet in width) and lying northerly and adjacent to the northerly line of Rinaldi Street (60 feet in width).

Excepting therefrom so much of said property that may be included within the lines of any public street.

10. That portion of the San Fernando Addition annexed May 22, 1915, consisting of Lots 29, 30, 31 and 32, Tract No. 2500, as per map recorded in Book 28, Pages 9 and 10 of Maps, Records of Los Angeles County, State of California.

11. That portion of the Wilmington Consolidation annexed August 28, 1909, bounded on the

north by Pacific Coast Highway (formerly known as "O" Street); on the east by McDonald Avenue; on the south by "L" Street; and on the west by Frigate Avenue.

12. That portion of the San Fernando Addition annexed May 22, 1915, comprising a part of Section 23, Township 2 North, Range 17 West, S. B. & M., Rancho Ex Mission de San Fernando and that portion of Lot 24, B. F. Porter Tract as shown on map recorded in Book 78, Page 37 of Miscellaneous Records of Los Angeles County, State of California, more particularly described as follows:

Beginning at the intersection of the northwest corner of said Lot 24 with the southerly line of Plummer Street (60 feet in width); thence east along said southerly line of Plummer Street 300 feet; thence south 300 feet to the true point of beginning; thence east 420 feet; thence south 1800 feet; thence west 1124.572 feet; thence north 1400 feet; thence east 704.572 feet; thence north 400 feet to the true point of beginning.

13. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the south by Pacific Coast Highway (formerly known as "O" Street); on the west by Ronan Avenue; on the north by "Q" Street; and on the east by Bay View Avenue; subject to the condition hereafter set forth in Paragraph 23, Subsection F of this section.

14. That portion of the San Fernando Addition annexed May 22, 1915, comprising a part of Sections 19 and 30, T. 3 N., R. 15 W., S. B. B. & M., in the County of Los Angeles, described as follows:

Beginning at the most northerly corner of Block 181, Maclay Rancho, Ex Mission de San Fernando as per map recorded in Book 37, Pages 5 to 16, both inclusive, Miscellaneous Records of said County; thence in a northwesterly direction along the northeasterly line of said Maclay Rancho, a distance of 1060 feet to a point in the northeasterly line of Block 180 said Maclay Rancho; thence south 60° 04′ 00″ West to a point in the easterly line of Needham Street, 60 feet in width, which is the true point of beginning for this description; thence continuing south 60° 04′ 00″ west, to a point in the northeasterly line of the Southern Pacific Railroad Right-of-Way, 100 feet in width, lying northeasterly of San Fernando Road; thence southeasterly along said Right-of-Way through all its various curves and courses to its point of intersection with the easterly line of Needham Street, 60 feet in width; thence northerly along the easterly line of Needham Street to the true point of beginning.

15. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the north by Sandison Street; on the east [53] by Ronan Avenue; on the south by Pacific Coast Highway; and on the west by Gulf Avenue; subject to the conditions hereafter set forth in Paragraphs 1, 2 and 23, Subsection F of this Section.

16. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the north by "Q" Street; on the east by Wilmington Boulevard; on the south by Pacific Coast Highway; and on the west by Frigate Avenue; subject to the

conditions hereafter set forth in Paragraphs 1, 2 and 23, Subsection F of this Section.

17. That portion of the City of Los Angeles incorporated April 4, 1850, described as follows: Lot A, Tract No. 4957 as per map recorded in Book 122, Page 67, of Maps, Records of Los Angeles County; Lots 1, 2, 7, 8, 9, 10, 11 and 12 Block K and Lots 1 to 6, both inclusive, Block L, North Elysian Heights No. 2 as per map recorded in Book 11, Page 144, of Maps, Records of said County; also, that portion of Lot 2, Block 43, 35 Acre Tracts of the Los Angeles City Lands Hancock's Survey as per map recorded in Book 107, pages 320 and 321, Miscellaneous Records of said County in Elysian Park and that portion of Lot A, J. D. and Asa Hunter Property as per map recorded in Book 13, pages 34 and 35, of Maps, Records of said County in Elysian Park, lying southwesterly of Riverside Drive and northwesterly of the following described line: Beginning at the point of intersection of the southwesterly prolongation of the southeasterly line of Dallas Street, fifty (50) feet in width, with the southwesterly line of Riverside Drive, one hundred (100) feet in width; thence southwesterly in a direct line to the most southerly corner of Lot 13, Tract No. 5114 as per map recorded in Book 94, page 4, of Maps, Records of said County; subject to the condition that production of oil in said district shall be permitted only for the duration of the war or for a period not to exceed seven (7) years from and after January 1, 1944, and subject also

to the conditions hereafter set forth in Paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16 and 17, Subsection F of this Section.

18. That portion of the San Fernando Addition, annexed May 22, 1915, being all of that portion of Lot 25 of the B. F. Porter Tract as recorded in Book 78, page 37 of Miscellaneous Records in the office of the Recorder of Los Angeles County, California, and that portion of Lot "B" of Tract No. 2843 recorded in Book 34, pages 82 and 83 of Maps in the office of the Recorder of said County, bounded and described as follows: Beginning at the Easterly terminus of that certain line described in deed to the Board of Public Service Commissioners of The City of Los Angeles, recorded in Book 43, page 16 of Official Records in the office of the Recorder of said County, as having a bearing East and a distance of 1520 feet; thence North 1550 feet; thence East 500 feet; thence Northeasterly a distance of 2112 feet along that certain line described in said deed to the Board of Public Service Commissioners as running Northeasterly in a straight line to a point, being the intersection of the Southerly prolongation of the West line of Lot 64, Block 24 of Chatsworth Park, as per map recorded in Book 30, page 31 of Miscellaneous Records in the office of the Recorder of said County, with the North line of said Lot 25; thence Northwesterly at right angles a distance of 400 feet; thence Southwesterly a distance of 1906 feet along a line 400 feet Northwesterly of and parallel with that above mentioned line running Northeasterly and having a distance of 2112 feet; thence West 694 feet along a line 400 feet North of

and parallel with that above mentioned line having bearing of East and a distance of 500 feet; thence South, 1950 feet along a line, 400 feet West of and parallel with the above mentioned line having a bearing of North and a distance of 1550 feet; thence due East a distance of 400 feet to the point of beginning.

19. That portion of the Wilmington Consolidated, annexed August 28, 1909, bounded on the south by Pacific Coast Highway (formerly known as "O" Street); on the West by Wilmington Boulevard; on the north by Sandison Street; and on the east by Gulf Avenue; subject to the conditions hereafter set forth in Paragraphs 1, 2 and 23, Subsection F of this Section.

20. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the east by a line parallel with and distant three hundred (300) feet easterly, measured at right angles from the easterly line of Hyatt Avenue; on the south by a line parallel with and distant one hundred and twenty-five (125) feet northerly measured at right angles from the northerly line of "L" Street; on the west by the easterly line of the Prosperity Tract as per map recorded in Book 16, pages 14 and 15 of Maps, Records of Los Angeles County; and on the north by Pacific Coast Highway; subject to the conditions hereafter set forth in Paragraphs 1, 2, 3, 4 and 5, Subsection F of this Section.

21. That portion of the San Fernando Addition annexed May 22, 1915, consisting of the northerly ½ of the southwesterly ¼, the southwesterly ¼ of

the northwesterly ¼, and the northerly ½ of the southeasterly ¼ of the northwesterly ¼ of Section 30, Township 2 North, Range 16 West, S. B. B. & M.; also that portion of Lot 25, B. F. Porter Tract, as per map recorded in Book 78, Page 37 of Miscellaneous Records of Los Angeles County, described as follows: Beginning at a point on the easterly line of said Lot 25, distant thereon 1331.81 feet southerly from the northeasterly corner of said Lot 25; thence North 89° 55′ West, a distance of 970.23 feet to a point; thence South 35° 41′ 30″ West a distance of 1060.03 feet to the beginning of a tangent curve concave to the northeast and having a radius of 100.02 feet; thence southeasterly along said curve, a distance of 181.56 feet to a point; thence South 68° 18′ 51″ East a distance of 236.44 feet to a point; thence South 3° 04′ 12″ West a distance of 923.15 feet to a point; thence southerly along a line parallel with the northerly prolongation of the easterly line of Shoup Avenue lying southerly of Roscoe Boulevard to its intersection with a line projecting due west from the Southwest corner of the North ½ of the Southwest ¼ of said Section 30; thence easterly along said projected line to the westerly line of said Southwest ¼, Section 30, thence northerly along the westerly line of said Section 30 to the point of beginning.

22. That portion of the City of Los Angeles, incorporated April 4, 1850, bounded on the north by Lilac Terrace; on the east by the southeasterly line of Lot 8, Subdivision of the Abila Tract and adjoin-

ing Lands as per map recorded in Book 3, page 476 of Miscellaneous Records of Los Angeles County and the northeasterly prolongation of said line to its intersection with Lilac Terrace; on the south by Figueroa Terrace, the southwesterly line of Lot 1, Victor Heights Tract as per map recorded in Book 12, page 40 of Miscellaneous Records of said County, the westerly line of Lots 7 and 8, Subdivision of the Abila Tract hereinbefore mentioned, extending from the northerly line of College Street to the southeasterly corner of Lot 1, Victor Heights Tract, hereinbefore mentioned, and the northerly line of College Street; on the west by Marview Avenue, the northwesterly line of Lot 2, Subdivision of the Abila Tract hereinbefore mentioned and White Knoll Drive extending from the northwesterly line of said Lot 2 to Marview Avenue; subject to the condition that production of oil in this district shall be permitted only for the duration of the war or for a period not to exceed seven (7) years from and after November 24, 1944, and subject also to the conditions hereafter set forth in Paragraphs 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, Subsection F of this Section.

23. That portion of the Wilmington Consolidation annexed August 28, 1909, bounded on the north by "L" Street; on the east by Gulf Avenue; on the south by Denni Street; and on the west by Wilmington Boulevard; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 24 and 26, Subsection F of this Section.

24. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the north by "Q" Street; on the east by Ronan Avenue; on the south by Sandison Street; and on the west by Wilmington Boulevard; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23 and 26, Subsection F of this Section.

25. That portion of the Wilmington Consolidation, annexed August 28, 1909, lying within the following described boundary:

Beginning at the point of intersection of the southerly line of Lomita Boulevard with the easterly line of Frigate Avenue; thence easterly along the southerly line of Lomita Boulevard to the westerly line of Island Avenue; thence southerly along the westerly line of Island Avenue to the northerly line of Pacific Coast Highway; thence westerly along the northerly line of Pacific Coast Highway to the westerly line of Bay View Avenue; thence northerly along the westerly line of Bay View Avenue to the southerly line of "Q" Street; thence westerly along the Southerly line of "Q" Street to the westerly line of Wilmington Boulevard; thence southerly along the westerly line of Wilmington Boulevard to the southerly line of "Q" Street; thence westerly along the southerly line of "Q" Street to the easterly line of Frigate Avenue; thence northerly along the easterly line of Frigate Avenue to the southerly line of Lomita Boulevard which is the point of beginning; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23 and 26, Subsection F of this Section.

26. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the north by "M" Street, on the west by Eubank Avenue, on the south by "L" Street and on the east by the Easterly line of Block D, Prosperity Tract as per map recorded in Book 16, pages 14 and 15 of Maps, Records of Los Angeles County; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 25 and 26, Subsection F of this Section.

27. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the east by Fries Avenue; on the south by Pacific Coast Highway; on the west by Island Avenue; and on the north by a line described as follows: beginning at a point in the westerly line of Lot V, 111 Acre Range, New San Pedro Commonly Known as Wilmington as per map recorded in Book 6, pages 66 and 67, of Deeds, Records of Los Angeles County, distant thereon 2608.87 feet southerly from the northwesterly corner of said Lot V; thence easterly at right angles to said westerly line of Lot V, to a point in the westerly line of Fries Avenue; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23, 26 and 27, Subsection F of this Section.

28. That portion of the Wilmington Consolidation, annexed August 28, 1909 bounded on the north by "L" Street; on the east by McDonald Avenue; on the south by Denni Street; and on the west by Ronan Avenue; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 23, 26 and 28, Subsection F of this Section.

29. That portion of the Wilmington Consolidation, annexed August 28, 1909, bounded on the north by "Q" Street; on the east by Marine Avenue; on the south by Pacific Coast Highway; and on the west by Fries Avenue; also, that portion of Lot V, 111 Acre Range, New San Pedro Commonly Known as Wilmington as per map recorded in Book 6, pages 66 and 67, of Deeds, Records of Los Angeles County, bounded as follows: beginning at a point in the westerly line of said Lot V, distant thereon 2314.16 feet southerly from the northwesterly corner of said Lot V, thence easterly at right angles to said westerly line of Lot V, a distance of 268.87 feet to a point in the westerly line of Fries Avenue, 45 feet in width, thence southerly along the westerly line of Fries Avenue a distance of 294.71 feet to a point, thence westerly at right angles to said westerly line of Fries Avenue, a distance of 368.87 feet to a point in the westerly line of said Lot V, being also a point in the easterly line of Island Avenue, 20 feet in width, thence northerly along the westerly line of said Lot V a distance of 294.71 feet to the point of beginning; subject to the conditions hereafter set forth in Paragraphs 5, 7, 8, 9, 17, 18, 19, 20, 21, 22, 26, 29 and 30, Subsection F of this Section.

F. Conditions Applicable to Districts—In certain of the districts described in Subsection E of this Section, the drilling for and production of oil, gas or other hydrocarbon substances is subject to one or more of the conditions hereinafter specified, but only those conditions referred to in the particu-

lar district shall be applicable thereto. Provided, further, that any written determination hereafter made by the Administrator prescribing conditions controlling oil drilling and production in such district, as provided in Subsection B of this Section, shall also include those conditions specifically mentioned in Subsection E of this Section as being applicable to the particular district.

1. That all pumping units established in said district shall be installed in pits so that no part thereof will be above the surface of the ground.

2. That all oil produced in said district shall be carried away by pipe lines or, if stored in said district, shall be stored in underground tanks so constructed that no portion thereof will be above the surface of the ground.

3. That the operator of any well or wells in the said district shall post with the Administrator a $5,000 corporate surety bond conditioned upon the faithful performance of all provisions of this Article and any conditions prescribed by the Administrator hereunder. No extension of time that may be granted by the Administrator, or change of specifications or requirements that may be approved or required by him or by any other officer or department of the City, or other alteration, modification or waiver affecting any of the obligations of the grantee made by any City authority, shall be deemed to exonerate either the grantee or the surety on any bond posted as herein required.

4. That the operators shall remove the derrick from each well within thirty (30) days after the

drilling of said well has been completed, and thereafter, when necessary, such completed wells shall be serviced by portable derricks.

5. That the drilling site shall be fenced or landscaped as prescribed by the Administrator.

6. That the derrick and other equipment shall be so constructed and sound-proofed that no noise, vibration, dust, odor or other harmful or annoying substances or effect which can be eliminated or diminished by the use of greater care, shall ever be permitted to result from drilling or production operations carried on at any drilling site, or from anything incident thereto, to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in drilling and production methods shall be adopted as they, from time to time, become available, if capable of reducing factors of nuisance or annoyance.

7. That, except in case of emergency, no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the drilling site, except between the hours of 8:00 a.m. and 8:00 p.m. of any day.

8. That adequate fire fighting apparatus and supplies, approved by the Fire Department, shall be maintained on the drilling site at all times during drilling and production operations.

9. That no refining process or any process for the extraction of products from natural gas shall be carried on at a drilling site.

10. That subject to the approval of the Board of Fire Commissioners, the operator shall countersink all equipment used in connection with the flowing or pumping of wells.

11. That no oil shall be removed from wells except by means of underground pipe lines.

12. That no storage facilities shall be erected on the drilling site.

13. That no more than one well shall be bottomed in each five (5) acres of the drilling district.

14. That no new oil wells shall be spudded in after the President of the United States, or other proper authority, has declared that a state of war no longer exists.

15. That subject to the approval of the Board of Fire Commissioners, the operator shall either counter-sink or properly screen from view all equipment used in connection with the flowing or pumping of wells.

16. That drilling, pumping and other power operations in said district shall be at all times carried on only by means of electrical power, which power shall not be generated on the drilling site.

17. That any person requesting a determination by the Administrator prescribing the conditions under which oil drilling and production operations shall be conducted as provided in Subsection B of this Section, shall agree in writing on behalf of himself and his successors or assigns, to be bound by all of the terms and conditions of this Article and any conditions prescribed by written determination by the Administrator hereunder; provided,

however, that such agreement in writing shall not be construed to prevent applicant or his successors or assigns from applying at any time for amendments to this Article or to the conditions prescribed by the Administrator hereunder, or from applying for the creation of a new district or an extension of time for drilling or production operations.

18. That all production equipment used shall be so constructed and operated that no noise, vibration, dust, odor or other harmful or annoying substances or effect which can be eliminated or diminished by the use of greater care shall ever be permitted to result from production operations carried on at any drilling site or from anything incident thereto to the injury or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in methods of production shall be adopted as they, from time to time, become available if capable of reducing factors of nuisance or annoyance.

19. Wells which are placed upon the pump shall be pumped by electricity with the most modern and latest type of pumping units of a height of not more than sixteen (16) feet. All permanent equipment shall be painted and kept in neat condition. All producing operations shall be as free from noise as possible with modern oil operations.

20. All drilling equipment shall be removed from the premises immediately after drilling is completed, sump holes filled, and derricks removed within sixty (60) days after the completion of the well.

21. That, subject to the approval of the Board of Fire Commissioners, the operators shall properly screen from view all equipment used in connection with the flowing or pumping of wells.

22. Upon the completion of the drilling of a well the premises shall be placed in a clean condition and shall be landscaped with planting of shrubbery so as to screen from public view as far as possible, the tanks and other permanent equipment, such landscaping and shrubbery to be kept in good condition.

23. That no more than one well shall be drilled in each city block of the drilling district.

24. That no more than one (1) well shall be drilled in each city block of the drilling district, provided, however, that a second well may be drilled in that block bounded by "L" Street, Gulf Avenue, Denni Street, and Wilmington Boulevard, only in the event said second well be directionally drilled or whipstocked so that the bottom of the hole will be bottomed under the Gulf Avenue School property located in the block bounded by "L" Street, Ronan Avenue, Denni Street, and Gulf Avenue, and in lieu of a well which might otherwise be permitted to be drilled in said last mentioned block.

25. That not more than two (2) wells shall be drilled in each city block of the drilling district.

26. That all power operations other than drilling in said district shall at all times be carried on only by means of electrical power, which power shall not be generated on the drilling site.

27. That the owner of the property involved dedicate to the City for street purposes the westerly thirty-five (35) feet of said property.

28. That the well be drilled as far from Ronan Avenue as will be consistent with the fire regulations in respect to McDonald Avenue.

29. That no more than one (1) well shall be drilled to each block of the drilling district, it being the intent that the area bounded by Fries Avenue, Pacific Coast Highway, Island Avenue and the direct east and west extension of Sandison Street shall be considered a city block and that irrespective of any inference drawn from the conditions set forth in District No. 27 as described in Subsection E of this Section, only one well shall be permitted in the above described area.

30. That the owner of the property involved and located westerly of Fries Avenue dedicate to the City for Street purposes the westerly thirty-five (35) feet of said property.

Sec. 13.01—Oil Drilling Districts in Urbanized Areas—Establishment—Conditions Controlling Drilling and Production

A. Purposes and Objects—It is hereby declared to be the object and purpose of this section to establish reasonable and uniform limitations, safeguards and controls for the future drilling for and production of oil in urbanized areas, as the term is defined in this Section. More restrictive limitations, safeguards and controls than those which have heretofore been imposed in metropolitan or urbanized

areas are deemed necessary in the public interest to effect practices which will not only provide for a more economic recovery of oil, gas and other hydrocarbon substances, but which will also take into consideration the surface uses of land, as such uses are indicated by the value and character of the existing improvements in or near districts where oil drilling or production are hereinafter permitted, the desirability of the area for residential or other uses, or any other factor relating to the public health, comfort, safety and general welfare. It is contemplated that extensive urbanized areas may be explored for oil by directional drilling methods by which surface drilling and production operations are limited to a few small, controlled drilling sites so located and spaced as to cause the least detriment to the community and to the public health, safety, comfort and general welfare.

B. Definitions—"Urbanized Areas," as used in this Section, shall refer to any improved or vacant property in any zone (except "A1," "A2" or "M3," as defined in Article 2, Chapter 1 of the Los Angeles Municipal Code, which is developed in such a manner as to be detrimentally affected by the drilling for or production of, oil, gas or other hydrocarbon substances having due regard for the amount of land subdivided, physical improvements, density of population and zoning.

"Controlled Drilling Site," as used in this Section, shall mean that particular location upon which surface operations, incident to oil well drilling or deepening and the production of oil or gas or other

hydrocarbon substances, may be permitted under the terms of this Section, subject to conditions prescribed by written determination by the Administrator. A controlled drilling site must lie entirely within one or more districts described in Subsection L of this Section.

C. Application of Section to Urbanized Areas—The provisions of this Section shall apply to the creation of all oil drilling districts in urbanized areas unless the Council shall determine that, by reason of special circumstances affecting a particular urbanized area, this Section shall not apply.

D. Establishment of Districts — Procedure — Limitations—The procedure for the establishment of oil drilling districts or the extension of existing districts under Subsection L of this Section shall be the same as that provided for in Sec. 12.32, Article 2, of the Los Angeles Municipal Code (Changes and Amendments). In addition to the procedure set forth in said Sec. 12.32, the Commission shall determine whether or not the district involved is in an urbanized area as herein defined. Such determination shall be in the form of a written resolution by the Commission setting forth therein its findings based on an investigation of the amount of land subdivided, physical improvements, density of population and zoning of the proposed oil drilling district and all such property adjacent thereto as would be materially affected by the creation of the district within such area.

Where uncertainty exists as to whether a particular area shall be considered urbanized, any per-

son contemplating filing a petition for the establishment of an oil drilling district, may, prior to the filing thereof, request the Commission to determine the status of the area in which the proposed district is to be located. The Commission shall thereafter, by written resolution, determine the status of said area based upon the same considerations heretofore mentioned in the Subsection, and in said resolution shall state the facts upon which such determination is based.

Each application for the establishment of an oil drilling district under the provisions of this Section shall contain a statement that the applicant has the proprietary or contractual authority to drill for and produce oil, gas or other hydrocarbon substances under the surface of at least fifty-one (51) per cent of the property to be included in said district. The district described in said application shall be not less than forty (40) acres in area, including all streets, ways and alleys within the boundaries thereof, and shall be substantially compact in area, and the boundaries thereof shall follow public streets, ways or alleys so far as may be practicable.

E. Standard Conditions for Districts—All oil drilling districts established under the provisions of this Section shall be subject to the following conditions:

1. Each district shall be not less than forty (40) acres in area, including all streets, ways and alleys within the boundaries thereof.

2. Not more than one controlled drilling site shall be permitted for each forty (40) acres in any

district and such site shall not be larger than two (2) acres when used to develop a district approximating the minimum size; provided, however, that where such site is to be used for the development of larger oil drilling districts or where the Administrator requires that more than one (1) oil drilling district be developed from one (1) controlled drilling site, such site may, at the discretion of the Administrator, when concurred in by the Board of Fire Commissioners, be increased by not more than two (2) acres for each forty (40) acres included in said district or districts.

3. The number of wells which may be drilled from any controlled drilling site shall not exceed one (1) well to each five (5) acres in the district or districts to be explored from said site.

4. Each applicant, requesting a determination by the Administrator prescribing the conditions controlling drilling and production operations, as provided in Subsection F of this Section, must have the proprietary or contractual authority to drill for oil under the surface of at least fifty-one (51) per cent of the property in the district to be exploited.

5. Each applicant, or his successor in interest, shall, within one (1) year from the date the written determination is made by the Administrator prescribing the conditions controlling drilling and production operations as provided in Subsection F of this Section, execute an offer in writing giving to each record owner of property located in said oil drilling district who has not joined in the lease or other authorization to drill, the right to share in

the proceeds of production from wells bottomed in said district upon the same basis as those property owners who have, by lease or other legal consent, agreed to the drilling for and production of oil, gas or other hydrocarbon substances from the subsurface of fifty-one (51) per cent of the said district. The offer hereby required must remain open for acceptance for a period of five (5) years after the date the said written determination is made by the Administrator. During the period said offer is in effect, said applicant, or his successor in interest, shall impound all royalties to which said owners, or any of them, may become entitled, in a bank or trust company in the State of California, with proper provisions for payment to the said record owners of property in the district who had not signed the lease at the time such written determination is made by the Administrator, but who accept such offer in writing within the said five (5) year period. Any such royalties remaining in any bank or trust company at the time said offer expires, which are not due or payable as hereinabove provided, shall be paid pro rata to those owners who, at the time of such expiration, are otherwise entitled to share in the proceeds of such production.

6. That the controlled drilling site or any part thereof shall be adequately landscaped, except for those portions occupied by any required structure, appurtenance or driveway, and all such landscaping shall be maintained in good condition at all times. Plans showing the type and extent of such landscaping shall first be submitted to and approved by the Administrator.

7. Each applicant, requesting a determination by the Administrator, prescribing the conditions controlling drilling and production operations as provided in Subsection F of this Section, shall post with the Administrator a satisfactory corporate surety bond (to be approved by the City Attorney and duplicates shall be furnished to him) in the sum of five thousand dollars ($5000) in favor of the City of Los Angeles, conditioned upon the performance by the applicant of each and all of the conditions, provisions, restrictions and requirements of this Section, and all additional conditions, restrictions or requirements determined and prescribed by the Administrator. No extension of time that may be granted by the Administrator, or any change of specifications or requirements that may be approved or required by him or by any other office or department of this City or any other alterations, modifications or waiver affecting any of the obligations of the grantee made by any city authority or by any other power or authority whatsoever shall be deemed to exonerate either the grantee or the surety on any bond posted pursuant to this Section.

F. Conditions Controlling Oil Drilling and Production—The Administrator shall have the authority and duty to determine and prescribe the conditions under which operations shall be conducted in connection with the drilling for and producing of oil, gas or other hydrocarbons, on a controlled drilling site within the districts hereafter described in Subsection L of this Section.

No operations shall be commenced nor shall any permit be issued therefor until the Administrator makes a written determination prescribing the conditions under which such operations shall be conducted.

Upon receipt of such application, the Administrator shall investigate the drilling site as well as the surrounding area in order to determine the conditions to be prescribed for the drilling and production operations so as to adequately protect the surrounding property and improvements.

The Administrator shall make his written determination, as herein provided, within twenty (20) days from the date of filing of the application and shall forthwith transmit a copy thereof to the applicant.

G. Mandatory Conditions—In the written determination prescribing the conditions as provided in Subsection F of this Section, the Administrator shall also include all conditions and limitations designated in or required by the ordinance enacted by the City Council establishing a district under this Section, and in addition thereto, the Administrator may include any other condition or limitations not in conflict therewith which he may deem appropriate in order to give proper effect to the stated purposes of this Section and other provisions of this Chapter relating to zoning.

H. Optional Conditions—For the guidance and convenience of the Council, the Commission, and the Administrator, certain optional conditions most likely to be required, are enumerated:

1. That drilling operations shall be commenced within ninety (90) days from the date the written determination is made by the Administrator as provided in Subsection F of this Section, or within such additional period as the Administrator may, for good cause, allow and thereafter shall be prosecuted diligently to completion or else abandoned strictly as required by laws and the premises restored to their original condition as nearly as practicable so to do. If a producing well is not secured within eight (8) months, said well shall be abandoned and the premises restored to its original condition, as nearly as practicable so to do. The Administrator shall, for good cause, allow additional time for the completion of the well.

2. That drilling, pumping and other power operations shall at all times be carried on only by electrical power and that such power shall not be generated on the controlled drilling site or in the district.

3. That an internal combustion engine or steam-driven equipment may be used in the drilling or pumping operations of the well, and, if an internal combustion engine or steam-driven equipment is used, that mufflers be installed on the mud pumps and engine; and that the exhaust from the steam-driven machinery be expelled into one of the production tanks, if such tanks are permitted, so as to reduce noise to a minimum, all of said installations to be done in a manner satisfactory to the Fire Department.

4. That drilling operations shall be carried on or conducted in connection with only one well at a time in any one such district, and such well shall be brought in or abandoned before operations for the drilling of another well are commenced; provided, however, that the Administrator may permit the drilling of more than one well at a time after the discovery well has been brought in.

5. That all oil drilling and production operations shall be conducted in such a manner as to eliminate, as far as practicable, dust, noise, vibration or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for and production of oil, gas and other hydrocarbon substances. Proven technological improvements in drilling and production methods shall be adopted as they may become, from time to time, available, if capable of reducing factors of nuisance and annoyance.

6. That all parts of the derrick above the derrick floor not reasonably necessary for ingress and egress including the elevated portion thereof used as a hoist, shall be enclosed with fire resistive, soundproofing material approved by the Fire Department, and the same shall be painted or stained so as to render the appearance of said derrick as unobtrusive as practicable.

7. That all tools, pipe and other equipment used in connection with any drilling or production operations shall be screened from view, and all drilling operations shall be conducted or carried on behind a solid fence, which shall be maintained in good

condition at all times and be painted or stained so as to render such fence as unobtrusive as practicable.

8. That no materials, equipment, tools or pipe used for either drilling or production operations shall be delivered to or removed from the controlled drilling site except between the hours of 8:00 o'clock a.m., and 6:00 o'clock p.m., on any day, except in case of emergency incident to unforeseen drilling or production operations, and then only when permission in writing has been previously obtained from the Administrator.

9. That no earthen sumps shall be used.

10. Fire fighting equipment as required and approved by the Fire Department shall be maintained on the premises at all times during the drilling and production operations.

11. That within sixty (60) days after the drilling of each well has been completed, and said well placed on production or abandoned, the derrick, all boilers and other drilling equipment shall be entirely removed from the premises unless such derrick and appurtenant equipment is to be used within a reasonable time limit determined by the Administrator for the drilling of another well on the same controlled drilling site.

12. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted unless all equipment necessarily incident to such production is completely enclosed within a building, the plans for said building to be approved by the Department of Building and Safety and the

Fire Department. This building shall be of a permanent type, of attractive design and constructed in a manner that will eliminate as far as practicable, dust, noise, noxious odors and vibrations or other conditions which are offensive to the senses, and shall be equipped with such devices as are necessary to eliminate the objectionable features mentioned above. The architectural treatment of the exterior of such building shall also be subject to the approval of the Administrator.

13. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted unless all equipment necessarily incident to such production is appropriately screened. A plot plan showing the type and extent of such screening shall be subject to the approval of the Administrator.

14. That no oil, gas or other hydrocarbon substances may be produced from any well hereby permitted where same is located within or immediately adjoining subdivided areas where ten (10) per cent of the lots or subdivided parcels of ground, within one-half (½) mile radius thereof, are improved with residential structures, unless all equipment necessarily incident to such production is countersunk below the natural surface of the ground and such installation and equipment shall be made in accordance with Fire Department requirements.

15. That there shall be no tanks or other facilities for the storage of oil erected or maintained on the premises and that all oil produced shall be transported from the drilling site by means of an under-

ground pipe line connected directly with the producing pump without venting products to the atmospheric pressure at the production site.

16. That not more than two production tanks shall be installed on said drilling site, neither one of which shall have a rated capacity in excess of one thousand (1000) barrels; that the plans for said tank or tanks, including the plot plan showing the location thereof on the property, shall be submitted to and approved in writing by the Administrator before said tank or tanks and appurtenances are located on the premises; and that said tank or tanks and appurtenances shall be kept painted and maintained in good condition at all times.

17. That any production tanks shall be countersunk below the natural surface of the ground and the installation thereof shall be made in accordance with safety requirements of the Fire Department.

18. That no refinery, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises at any time.

19. That no sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by law or ordinance to be displayed in connection with the drilling or maintenance of the well.

20. That suitable and adequate sanitary toilet and washing facilities shall be installed and maintained in a clean and sanitary condition at all times.

21. That any owner, lessee or permittee and their successors and assigns, must at all times be insured to the extent of one hundred thousand dollars ($100,-

000) against liability in tort arising from drilling or production, or activities or operations incident thereto, conducted or carried on under or by virtue of the conditions prescribed by written determination by the Administrator as provided in Subsection F of this Section. The policy of insurance issued pursuant hereto shall be subject to the approval of the City Attorney, and duplicates shall be furnished to him. Each such policy shall be conditioned or endorsed to cover such agents, lessees or representatives of the owner, lessee or permittee as may actually conduct drilling, production or incidental operations permitted by such written determination by the Administrator.

I. Use of Controlled Drilling Site Not Permitted—The Administrator may deny an application for a determination prescribing the conditions under which oil drilling and production may be conducted on a controlled drilling site if he finds that there is available and reasonably obtainable in the same district, or in an adjacent or nearby district within a reasonable distance, one or more other locations where controlled drilling could be conducted with greater safety and security, with appreciably less harm to other property, or with greater conformity to the Comprehensive Zoning Plan.

J. Determination Effective—Appeal—No determination by the Administrator under this Section shall become effective until after an elapsed period of ten (10) days from the date such written deter-

mination is made, during which time an appeal therefrom may be taken to the Board as provided for in Sec. 12.27, Article 2, of the Los Angeles Municipal Code (Board of Zoning Appeals).

K. Violation of Conditions—Penalty—The violations of any determination by the Administrator as provided in this Section, shall constitute a violation of the provisions of this Article and shall be subject to the same penalties as any other violation of the Los Angeles Municipal Code.

L. Description of Districts—The districts referred to in Subsection F of this Section within which the Administrator shall determine and prescribe conditions under which oil drilling and production operations shall be conducted, are described as follows:

Sec. 13.02—Termination of Districts

Any ordinance establishing the districts defined in Sec. 13.00 and 13.01 of this Article, shall become null and void one (1) year after the effective date thereof, unless oil drilling operations are commenced and diligently prosecuted within such one (1) year period. Further, such ordinance shall become null and void one (1) year after all wells in the district have been abandoned as required by law.

Section 3. That Article 4 of Chapter 1 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended in its entirety so as to read as follows:

Article 4—Building Lines

Sec. 14.00—Establishment of Building Lines—Procedure—Compliance

A. Purpose—In order to promote the public health, safety and general welfare, it is the object and purpose of this Article to provide for the establishment of building lines along any street or portion thereof so as to regulate the distance from the street line at which buildings, structures or improvements may be erected, constructed, established or maintained.

B. Establishment of Building Lines—Procedure. Proceedings for the establishment of building lines along any street or portion thereof may be initiated by the filing of an application signed by one or more of the owners or lessees whose property abuts such street, or by a resolution adopted by the Commission or City Council. Such application or resolution shall designate the street or portion thereof along which the building lines are sought to be established, and the distance from the street line at which such lines are to be located.

Upon the filing of such application or the adoption of such resolution, the Commission shall cause an investigation to be made and shall thereafter present the application or resolution to the City Council together with the recommendations of the Commission.

C. Power of Council to Determine Distances—Upon consideration of such application or resolution, or whenever the public health, safety or general welfare require, the City Council is hereby

authorized and empowered to determine the minimum distance back from the street line for the erection, construction, establishment or maintenance of buildings, structures or improvements along any street or portion thereof and to order the establishment of a line to be known and designated as a building line between which line and the street line no building, structure or improvement shall be erected, constructed, established or maintained.

D. Public Hearing Required—Before ordering the establishment of any building line authorized by Subsection C of this Section, the City Council shall pass a resolution of intention so to do, designating the building line proposed to be established. Such resolution shall be published once in a daily newspaper published and circulated in this City, and designated by the Council for the purpose, and one copy of said resolution shall be posted conspicuously upon the street in front of each block or part of block on any street, public way or place where such building line is proposed to be established. The resolution shall also contain a notice of the day, hour and place when and where any and all persons having any objection to the establishment of the proposed building line or lines, may appear before the City Council and present any objection which they may have to the proposed building line as set forth in the resolution of intention. The time of hearing shall not be less than fifteen (15) nor more than forty (40) days from the date of the adoption of the resolution of intention; and said publication

and posting of said resolution shall be made at least ten (10) days before the time of said hearing.

E. No Building Permits During Proceedings—After the adoption of a resolution of intention and prior to the time the ordinance establishing a building line in such proceedings becomes effective, no building permit shall be issued for the erection of any building, structure or improvement between any proposed building line and the street line, and any permits so issued shall be void.

F. Objections and Protests—At any time not later than the hour set for hearing objections and protests to the establishment of the proposed building line, any person having an interest in the land upon which the building line is proposed to be established, may file with the City Clerk a written protest or objection against the establishment of the building line designated in the resolution of intention. Such protest must be delivered to said Clerk not later than the hour set for said hearing, and no other protests or objections shall be considered. Provided, however, that protestants may appear before the City Council at the hearing, either in person or by counsel, and be heard in support of their protests or objections. At the time set for hearing, or at any time to which the hearing may be continued, the City Council shall hear and pass upon all protests or objections so made, and its decision shall be final.

The City Council shall have power and jurisdiction to sustain any protest or objection and abandon said proceedings, or to deny any and all protests or objections, and order by ordinance the establishment of said building line described in the resolution of intention, or to order the same established with such changes or modifications as said council may deem proper. Said ordinance may refer to the resolution of intention for the description of the building line when the building lines ordered established are the same as described in the resolution of intention.

G. Compliance—From and after the taking effect of any ordinance establishing any building line, and excepting those projections and buildings permitted under Sec. 14.01 of this Article, no person shall erect, construct, establish or maintain any building, structure, wall, fence, hedge or other improvement within the space between the street line and the building line so established. Further, the Department of Building and Safety shall refuse to issue any permit for any building, structure or improvement within such space.

Sec. 14.01—Exceptions—Nonconforming Buildings

A. Permitted Projections — Architectural or landscape features, walls, fences, hedges, and the like, may be constructed, established and maintained so as to extend or project into the space between the street line and an established building line, when and as specifically permitted by Sec. 12.22-C, 20. Further, a marquee may extend into the space be-

tween the street line and an established building line a distance of not more than twelve (12) feet from the face of the building to which it is attached, providing the building be lawfully devoted to a business use.

B. Nonconforming Buildings—A nonconforming building, structure or improvement may be maintained except as otherwise provided in Sec. 12.23-A and Sec. 12.23-D.

Sec. 14.02—Variances—Appeals

A. Authority of Administrator—The Administrator shall have authority to grant variances from the provisions of this Article as provided for in Sec. 12.26-A, 1, (i) and subject to the same limitations and procedure as prescribed in said Sec. 12.26.

B. Right of Appeal—Any decision of the Administrator under this Section may be appealed to the Board in the same manner as provided for in Sec. 12.27.

Sec. 14.03—Filing Fees

Before accepting for filing any application hereafter mentioned, the Department of City Planning shall charge and collect the following fees:

A. Establishment—Change—Repeal — For each application for the establishment, change or repeal of a building line, a fee of ten dollars ($10.00).

B. Variances—Appeals—For each application for a variance from an established building line or for an appeal to the Board, a fee of ten dollars ($10.00).

Sec. 14.04—Permits—Administration—
Enforcement

The provisions of Sec. 12.34 (Permits—Licenses—Compliance) and Sec. 12.35 (Administration—Enforcement) shall apply to this Article in the same manner as though stated herein.

Section 4. That Article 5 of Chapter 1 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended in its entirety so as to read as follows:

Article 5—Petitions, Ordinances, Orders or Resolutions Relating to Acquisition of Land for Public Use or to Zoning

Sec. 15.00—Procedure—Jurisdiction of City Planning Commission

A. Transmittal of Petition or Resolution—Any petition received by the City Clerk and presented to the City Council and any resolution introduced in the City Council having for its purpose the adoption by the City Council of any ordinance, order or resolution ordering or involving the acquisition, establishing, opening, widening, narrowing, straightening, abandoning or vacating of any public street, road, highway, alley, square, park, playground, airport, public building site, or other public way, ground or open space, or the location or appearance of any bridge, viaduct, subway, tunnel or elevated roadway for the use of pedestrian or vehicular traffic or any public building, shall be referred to such Department or Bureau of City Government that is

determined by the Council to have jurisdiction over the matter involved in such petition or proposed ordinance, order or resolution, for report and recommendation thereon to the Council or to a Committee of the Council designated by the Council, before the Council shall grant such petition or adopt or enact any such ordinance, order or resolution.

B. Presented to Commission—The Department or Bureau of City Government to which any petition or resolution is referred by the City Council for initiating any matter contemplated by Subsection A hereof, shall before reporting to the Council upon the particular subject matter, cause the matter to be presented to the City Planning Commission for its consideration and action thereon, pursuant to the provisions of Section 97 of the Los Angeles City Charter, and such Bureau or Department shall cause its report to the City Council on the subject matter of the petition or proposed ordinance, order or resolution, to be transmitted to the City Council, together with the original report of the City Planning Commission relating thereto.

C. Commission Action Necessary—Before any ordinance, order or resolution relating to any of the matters referred to in Subsection A hereof, or before any ordinance relating to zoning is presented to the Council by the City Attorney for consideration, said ordinance, order or resolution shall first be submitted by the City Attorney to the City Planning Commission for its consideration and endorsement upon the draft of proposed ordinance, order or resolution of its approval or disapproval. In the

event of the Commission's disapproval of such ordinance, order or resolution, the Commission shall attach thereto in duplicate its reasons for disapproval. Such ordinance, order or resolution shall be returned by the City Planning Commission to the City Attorney for transmittal to the City Council or its Committee.

D. Time Limit—The City Planning Commission shall stamp the date of receipt of any request for report on or approval of any petition, ordinance, order or resolution, on the face thereof, and said Commission shall approve or disapprove the petition, ordinance, order or resolution within thirty (30) days from date of receipt of the same. If the same be disapproved, the City Planning Commission shall advise the Bureau or Department submitting the matter, of its disapproval and the reasons therefor, within such thirty (30) day period.

Section 5. That Article 6 of Chapter 1 of the Los Angeles Municipal code (Ordinance No. 77,000, as amended) be, and the same is hereby amended in its entirety so as to read as follows:

Article 6—War Emergency Regulations

Sec. 16.00—Postponement of Construction of Garage Facilities

A. Postponement Permissible—Notwithstanding any other provision of this Code, the construction of garage buildings required in connection with any residential use of any lot may be delayed until after the expiration of a period of six (6) months immediately after the date of the lifting, repeal, cancel-

lation or rescission of federal regulations prohibiting or restricting the use of building materials for such purposes, that date to be determined, for the purpose of this Section, by the Board of Building and Safety Commissioners.

B. Building Permits—Floor Slabs Required—In connection with the construction of or conversion of each residential development for which garage facilities are required by any provision of this Code, building permits for the garage structures so required must be obtained in advance as in all other cases, and a slab of concrete of such other type of durable flooring as may be approved by the Department of Building and Safety shall be installed to serve as the floor for the future garage building, and a driveway of concrete, asphalt or other durable material approved by the Department of Building and Safety shall be installed to provide access to the floor, so as to permit its use for the off-street parking of tenants' automobiles pending the ultimate construction of the required garage buildings. The slab of floor, and the driveway required hereby shall be constructed concurrently with the construction of the residential improvement or the conversion of an existing structure to such use.

C. Records to Be Kept—Notice to Complete—The Department of Building and Safety shall keep a record of each case where the construction of garage buildings is to be delayed as permitted by this Section. When the period within which such delay has been permitted has expired, the Department of Building and Safety shall give notice, by

mail, to the owner or person in possession and control of the property involved, that the period of postponement has terminated and that the construction of the required garage buildings must be commenced, carried continuously to completion and completed within a reasonable time, to be determined by the Board and stated in the notice.

D. Completion of Garage—When Required—After the notice provided for above has been mailed, and after the reasonable time, as determined by the Board Building and Safety Commissioners, has expired within which the construction of the required garage buildings could have been completed, it shall be a misdemeanor for the owner or person in possession or control of any lot or parcel of land upon which the construction of any required garage building has been postponed pursuant to this Section and not completed, to use or let or permit the use of, any such lot or parcel of land for residential purposes.

Sec. 16.01—Special Care Homes—May Be Temporarily Permitted in Certain Residential Zones

A. Definitions—For the purpose of this Section, the following words, terms, or phrases are defined as follows and shall be construed, applied and used as herein defined, unless it shall be apparent from the context that they have a different meaning:

1. "Guest," shall mean a person housed in a special care home, who is able to leave the premises unassisted.

2. "Patient," shall mean a person housed in a special care home, who is not able to leave the premises unassisted.

3. "Special Care Home," shall mean any building, structure or portion thereof, (other than hospitals equipped or used for surgical or obstetrical care) used for the reception, housing or care, with or without compensation, of two (2) and not exceeding a total of twelve (12) patients and guests, not related to the operator, who, for any cause, require care or attention and are kept for a period of more than twenty-four (24) hours.

B. Temporary Use—Notwithstanding any other provisions of this Chapter, any person may, with the express written permission of the Administrator, use existing buildings in "R4" and "R5" Zones for the operation of special care homes provided that the floor space of any such buildings so used shall not be increased for such use and also provided that the floor space shall not be so rearranged that it would reasonably preclude the use of such buildings for purposes otherwise permitted in the zone in which the property is located. No such permission for the operation of a special care home shall be valid or effective for any purpose except for the duration of the present war and six (6) months thereafter; and any such permission and any use allowed hereunder shall be subject to all restrictions hereinafter in this Section set forth and to such conditions not in conflict herewith which the Administrator may deem necessary or advisable to impose in the granting of any application filed here-

under in order to protect the peace and quiet of occupants of contiguous property.

C. Application—Notice—Hearing—Any application for a permit hereunder shall be filed with the Administrator in the public office of the Department of City Planning upon forms and accompanied by such data as the Administrator may require. Such application shall be verified by the applicant attesting to the truth and correctness of all facts and information presented with or contained in, such application.

Upon the filing of such verified application the Administrator shall set the matter for public hearing. Notice of the pending application and of the hearing thereon shall be given by mailing a postal card or letter notice not less than five (5) days prior to the date of such hearing to the owners of all property within a radius of one hundred-fifty (150) feet from the exterior limits of the property involved in the application, using for this purpose the last known name and address of such property owners as shown upon the records of the City Clerk. Provided, however, that if the owners of all the private property within such radius of one hundred-fifty (150) feet from the exterior of the property involved in such application shall have joined in the application, then no notice or hearing shall be required.

D. Fee—Each application for a permit hereunder shall be accompanied by a filing fee of twenty-five dollars ($25.00).

E. Denial — Revocation — The Administrator may deny any application made hereunder, or suspend or revoke any permit issued hereunder, whenever he shall determine that the exercise of the privilege involved would, or does, unreasonably interfere with the peace and quiet of the occupants of contiguous property, or that it bears no relation to the emrgency arising from the war.

F. Other Permits—Licenses, Etc.—This Section shall not modify or affect in any way the duty of any applicant to obtain any other permit or license which may be required under any other provision of this Code or under any State law.

Sec. 16.02—Variances

A. Authority of Administrator—Notwithstanding any of the provisions of Article 2, Chapter 1, of this Code, to the contrary, the Administrator shall have the power to grant variances from the provisions of the regulations prescribed by said Article for the following purposes, regardless of the zone where any of the following may be located or conducted:

1. The conduct or operation of any business or enterprise engaged primarily in the manufacture of, assembling of, repair of, or distribution of any material, equipment or parts for use by the armed forces of the United States, its Allies, or recipients of lend-lease aid from the United States.

2. The conduct of or operation of any business or enterprise engaged primarily in the performing of any service or services for the United States or its Allies in connection with the war effort.

3. To permit the location and operation of any bona fide service or charitable organization engaged directly in aiding or assisting the war effort of the United States or any of its Allies.

4. To permit an office for the general practice of a dentist, physician or other person authorized by law to practice medicine or healing in an existing dwelling or apartment in the "R3," "R4" or "R5" Zone, provided such dwelling or apartment is not enlarged nor the residential character of the building changed.

Such variance may be granted without notice or public hearing and the Administrator shall give to any such application precedence over any other matter pending before him.

Any variance granted under the provisions of this Subsection shall be valid, unless sooner revoked, for a period of six (6) months after the Administrator shall have determined that the war emergency no longer exists, and shall be void thereafter.

The Administrator may revoke a variance granted under this Subsection only when he first finds by competent evidence, after giving the notice of hearing prescribed by Section 22.02 of this Code, that the particular building, structure or ground covered by the variance is no longer used or needed for the purpose contemplated by the provisions of this Section.

B. Issuance of Permit—Notwithstanding any provision of this Chapter to the contrary, upon the granting by the Administrator of a variance under the provisions of Subsection A hereof, any necessary building permit may be issued forthwith for the

construction, alteration or repair of a structure required to carry out the purposes of the variance.

C. Extension of Time Limit—Whenever upon application and after due investigation, the Administrator shall determine that any privilege granted by any variance under this Chapter could not be utilized within the time limit of one hundred-eighty (180) days imposed by this Chapter, and that the reason therefor was the inability to obtain building materials or essential equipment due to priorities, governmental restrictions or other factors resulting from the existence of war, the Administrator may, by written grant, extend the time limit mentioned provided he determines that such extension would not be in conflict with the basic purpose of that condition or violative of the purpose of this Section. The grant of such an extension as to any variance which may have become void by reason of the breach of the condition mentioned, shall revive the variance. No such extension shall be effective after the expiration of a period of six (6) months from the date of the declaration by competent governmental authority that the present state of war or national emergency has ceased, and any such extension may be terminated by the Administrator, upon one hundred-eighty (180) days' notice, if he shall find, after due investigation, that none of the causes justifying the grant of the extension under the provision hereof, any longer exists.

Section 6. That Subsection (a), Sec. 32.06.1 of the Los Angeles Municipal Code (Ordinance No.

77,000, as amended) be, and the same is hereby amended so as to read as follows:

(a) Where Permitted—No person shall use, or cause or allow to be used for sleeping purposes, any trailer coach or vehicle while the same is parked, camped, stored or placed at any place other than a public camp, except that one trailer coach may be parked, stored or placed upon any premises improved with a dwelling being lawfully used and occupied as and for living and housekeeping purposes, with the express consent of the tenant or occupant thereof, where there be adequate sanitary and toilet facilities convenient and available to the occupants of such trailer coach at all times while the same is upon such premises and when permitted by the zoning regulations applying to the premises.

Section 7. That Subsection (d), Sec. 34.04 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

(d) The provisions of Subsections (b) and (c) hereof shall not apply to the "A1," "A2," and "RA" Zones as set forth in Article 2, Chapter 1 of the Los Angeles Municipal Code. In such districts, no swine shall be kept on any portion of premises, the whole of which is less than twenty thousand (20,000) square feet in area; one swine may be kept on any portion of premises, the whole of which embraces at least twenty thousand (20,000) square feet in area;

two swine may be kept on any portion of premises, the whole of which embraces at least two (2) full acres; and one additional swine may be kept for each additional full acre comprising such premises, up to and including a total of five swine for a five (5) acre area. Provided, however, that no swine shall be kept, maintained or fed within one hundred (100) feet from the nearest church, school, dwelling, apartment house, hotel, office building, business establishment, public street, public building, dairy or milk house, nor within fifty (50) feet from any dairy barn. More than five swine may be kept in such districts on any portion of the premises, the whole of which embraces an area of more than five (5) acres only when permitted by the Zoning Administrator under Sec. 12.25-A, 1 of said Code, and provided they are kept, maintained or fed not less than fifty (50) feet from any dairy barn and not less than one hundred (100) feet from the dwelling of the owner or caretaker and from any dairy or milk house, and not less than two hundred (200) feet from any other dwelling, and from any church, school, apartment house, hotel, office building, business establishment, public street or public building.

Section 8. That Sec. 34.15 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

Sec. 34.15—Bees—Keeping Of

No person shall establish or maintain any hive or box where bees are kept, or keep any bees on the premises within three hundred (300) feet of any dwelling (except the dwelling of the owner of such bees or within one hundred (100) feet of any exterior boundary of the property in which the hive or box is located, except:

(a) that the above regulations shall not apply in the "A1," "A2" or "RA" Zones as set forth in Article 2, Chapter 1 of the Los Angeles Municipal Code:

(b) that a hive or box for the keeping of bees may be located and kept within a schoolhouse for the purpose of study or observation;

(c) that a hive or box for the keeping of bees may be located and kept in a physician's office or laboratory for medical research or treatment, or for scientific purposes;

(d) that no bees permitted to be kept upon any premises under Subsection (b) and (c) hereof, shall be permitted to fly at large.

Section 9. That Sec. 36.11 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

Sec. 36.11—Undertaking Establishments—Permits, Location Of

No morgue, mortuary, funeral parlor, undertaking establishment or undertaking chapel, shall hereafter be established, conducted or maintained ex-

cept in a "C2," "C3," "C4" or less restricted zone, as defined in Article 2, Chapter 1 of the Los Angeles Municipal Code, when permitted by the Zoning Administrator under the provisions of Sec. 12.25-A, 3 of said Code; provided, however, that any such use heretofore established pursuant to the provisions of Ordinance No. 31,746 (N.S.), may be continued.

Section 10. That Subdivisions (4) and (5), Subsection (A) of Section 57.55 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same are hereby amended so as to read as follows:

(4) "Controlled Drilling Site" as used in this section, shall mean that particular location upon which surface operations, incident to oil well drilling or deepening and the production of oil, gas, or other hydrocarbon substances, may be permitted under the terms of this section subject to the written determination by the Zoning Administrator prescribing conditions. A controlled drilling site must lie entirely within one (1) or more districts described in Subsection L of Sec. 13.01 of this Code.

(5) "Oil Drilling District" as used in this section shall mean a district described in Subsection L of Sec. 13.01 of this code.

Section 11. That paragraph (b), Exceptions, Subdivision 1 of Subsection (B) of Section 57.55 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

(b) On a controlled drilling site where oil well derricks are grouped as provided in Sec. 13.01 of this Code, the Board of Fire Commissioners may permit the erection of oil well derricks at locations less than seventy-five (75) feet from any public street or highway, or less than fifty (50) feet from an outer boundary line where it is found that no undue hazard will be created, and that there is no probability of buildings with an aggregate floor area in excess of four hundred (400) square feet being placed at any time within fifty (50) feet of such proposed derrick.

Section 12. That paragraph (a) Exception, Subsection (C) of Section 57.55 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

(a) That this spacing shall not apply to any controlled drilling site in any oil drilling district in an urbanized area as enumerated in Subsection L of Sec. 13.01 of this Code.

Section 13. That paragraph (a) Exceptions, Subsection (O) of Section 57.55 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

(a) The provisions of this subsection shall not apply to any controlled drilling site in any oil drilling district in an urbanized area as enumerated in Subsection L of Sec. 13.01 of this Code.

Section 14. That paragraph (a) Exception, Subsection (P) of Section 57.55 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

(a) The Provisions of this subsection shall not apply to any controlled drilling site in any oil drilling district in an urbanized area as enumerated in Subsection L of Sec. 13.01 of this Code.

Section 15. That paragraph 1, and subparagraphs (a) and (b), paragraph 2, Subsection (E) of Section 57.64 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same are hereby amended so as to read as follows:

1. Storage—No tank vehicle, the cargo tank or tanks of which contain inflammable liquids or vapors, shall be stored in any public or private garage or upon any privately owned open premises and no such tank vehicle shall be stored within fifty (50) feet of any open flame, unless otherwise approved by the Chief or his duly authorized representative; provided, however, that such tank vehicle may be stored in the "M1," "M2" or "M3" Zones set forth in Article 2, Chapter 1 of this Code.

2. Repairs to Tank Vehicles

(a) No tank vehicle when located outside of the "M1," "M2" or "M3" Zones set forth in Article 2, Chapter 1 of this Code, shall be repaired, except in emergencies. Further, all inflammable liquids and vapors shall have been removed from the cargo tanks or neutralized during the period of repair.

(b) Any tank vehicle having a cargo tank or tanks which contain any inflammable liquid or vapors, may be repaired in any public or private garage or upon any privately owned open premises located in the "M1," "M2" or "M3" Zones set forth in Article 2, Chapter 1 of this Code, provided that such repairs do not involve the use of any open flame or other device whose temperatures exceed six hundred degrees Fahrenheit (600°F) and provided further that such tank vehicle shall at all times be at least fifty (50) feet from any open flame.

Section 16. That Sec. 67.03 and Sec. 67.15 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same are hereby amended so as to read as follows:

Sec. 67.03—Semi-Business District Defined

For the purpose of this Article, the semi-business district shall consist of and include all lots and parcels of land within all commercial or industrial zones established under Article 2, Chapter 1 of this Code (Comprehensive Zoning Plan of the City of Los Angeles) or any amendments thereto, fronting on both sides of the same street within any block herein more than fifty (50) per cent of the occupied frontage on both sides of such street within such block is devoted to or utilized for business purposes other than outdoor advertising structures or advertising statuary, as distinguished from purely residential purposes; provided, however, that nothing herein shall be deemed to affect or supersede the provisions of Sec. 12.13, Article 2, Chapter 1 of this

Code, relating to the "C1" Limited Commercial Zone.

For the purpose of this Article the term "block" is defined to mean that portion of a street (hereinafter referred to as the primary street) between the center lines of two secondary streets which intersect both side lines of such primary street. In cases where the secondary street intercepts only one side line of such primary street, a straight line drawn from the center line of the intercepting secondary street at its terminus to the nearest point on the opposite side of said primary street shall limit the block on both sides of the primary street.

Sec. 67.15—Structures Prohibited—Residence Districts—Exceptions

No person shall erect or construct or cause or permit to be erected or constructed any outdoor advertising structure or advertising statuary within any resident district as defined by this Article.

Provided, however, nothing in this section contained shall be deemed as prohibiting the erection and maintenance of any real estate sign advertising the property upon which it stands, or the person, firm or corporation having the listing of such property or any identification signs erected and maintained for the purpose of identification only such as physician and surgeon name signs, apartment house signs, or any sign or surface used exclusively to display official notices issued by any court or public office in performance of a public duty or any accessory sign or any post sign; and provided, fur-

ther, that the provisions of Article 2, Chapter 1 of this Code (Comprehensive Zoning Plan of the City of Los Angeles) regulating the size and location of certain of the above signs, shall also be complied with. All real estate signs and identification signs other than accessory signs or post signs permitted in residence districts by the provisions of this Section shall not have a surface area greater than twenty (20) square feet, and shall not be erected or maintained upon any property within the residence district at a less distance from any public sidewalk, street, alley or other public place than is required for buildings or structures upon such lots or parcels of land so restricted by any ordinance of the City of Los Angeles now in effect or to be hereafter enacted, except as provided in Sec. 67.13 of this Article.

Provided, however, that nothing in this section contained shall be deemed as permitting the erection or maintenance of any accessory sign or post sign upon any lot or parcel of land within any residential zone, as established under Article 2, Chapter 1 of this Code (Comprehensive Zoning Plan of the City of Los Angeles) or any amendments thereto, unless a conditional variance has been granted by the City Council, the Zoning Administrator or Board of Zoning Appeals permitting the use of said lot or parcel of land for commercial or industrial purpose, and providing in said conditional variance for the erection and maintenance of said accessory sign or post sign; provided, however, that any accessory sign or post sign erected or maintained under the terms of a conditional

variance or any lot or parcel of land within any residential zone, as established under said Article 2, Chapter 1 of this Code or any amendments thereto, shall comply with the provisions of this Article.

Section 17. That Subsection (b), Division 16 of Sec. 91.1601 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

> (b) Fire District No. 2—Fire District No. 2 shall be all of the territory designated by Article 2, Chapter 1 of the Los Angeles Municipal Code in the "C2," "C3," "C4," "CM," "M1," "M2" and "M3" Zones, as set forth in Article 2, Chapter 1 of this Code, except that territory located in Fire District No. 1.

Section 18. That Subsection (a), Division 17 of Sec. 91.1702 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same is hereby amended so as to read as follows:

> (a) Height. The height of a building shall be the vertical distance between the highest point of the adjoining sidewalk or ground surface and the ceiling of the top story, of the building, provided that the height measured from the lowest point of the adjoining ground surface shall not exceed the maximum height allowed by this Code by more than fifteen (15) feet. Provided, further, that nothing herein contained shall be construed as modifying the height regulations as set forth in Article 2, Chapter 1 of this Code.

Section 19. That Subsections (a), (b), (c), (d), (e), (f) and (g), Sec. 91.4802 of the Los Angeles Municipal Code (Ordinance No. 77,000, as amended) be, and the same are hereby amended so as to read as follows:

(a) Front Yard. In any residential zone, every lot shall be provided with a front yard of the depth prescribed in Article 2, Chapter 1 of the Los Angeles Municipal Code.

(b) Side Yards. In any residential, commercial or industrial zone, every lot occupied by a dwelling shall have a side yard, on each side of a main building, of the width prescribed in Article 2, Chapter 1 of the Los Angeles Municipal Code. Further, where the side of a lot in a commercial or industrial zone abuts upon the side of a lot in a residential zone, a commercial or industrial building shall have a side yard, on that side of the main building adjacent to the residential zone, of the width prescribed in said Article 2, Chapter 1.

(c) Rear Yard. In any residential, commercial or industrial zone, every lot occupied by a main building shall be provided with a rear yard of the depth prescribed in Article 2, Chapter 1 of the Los Angeles Municipal Code.

Exception:

Accessory buildings may be located in front, side or rear yards when and as provided for in Article 2, Chapter 1 of the Los Angeles Municipal Code.

(d) Accessory Buildings. The location of accessory buildings on a lot is provided for in

Article 2, Chapter 1 of the Los Angeles Municipal Code.

(e) Yard Specifications. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

The depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot line.

(f) Projections Into Yards—Porte cocheres, cornices, eaves, belt courses, sills, canopies, chimneys, fire escapes, open stairways or balconies and other similar architectural features may project into yards as provided for in Sec. 12.22-C, 20 of Article 2, Chapter 1 of the Los Angeles Municipal Code.

(g) Special Requirements. Buildings on lots of peculiar shape or location on or hillside lots shall be located as required in Article 2, Chapter 1 of the Los Angeles Municipal Code.

Section 20. That Ordinance No. 79,752 be, and the same is hereby amended so as to read as follows: An Ordinance prescribing fees to be collected by the Department of City Planning of the City of Los Angeles for the filing of subdivision maps.

The People of the City of Los Angeles do ordain as follows:

Section 1. That before accepting for filing any subdivision map hereinafter mentioned, the Department of City Planning shall charge and collect the following filing fees, to-wit:

(A) For each and every tentative subdivision map submitted in accordance with the Statutes of the State of California or any ordinance of the City of Los Angeles, the sum of twenty-five dollars ($25.00); and in addition thereto:

(1) For each and every lot shown on such subdivision map, excepting such lots as are shown at the request of the City Engineer of the City of Los Angeles to facilitate the description of land to be acquired in condemnation proceedings, the sum of fifty cents ($0.50);

(2) For each additional lot shown on a second tentative subdivision map filed within one (1) year, the sum of fifty cents ($0.50);

Provided, however, that the filing fee for a one-lot subdivision map, when accompanied by the written opinion of the County Assessor of the County of Los Angeles or the City Engineer of the City of Los Angeles that the purpose of said subdivision map is for the simplification of assessment or correction of the legal description of the land included therein, shall be five dollars ($5.00) instead of the regular twenty-five ($25.00) fee.

(3) For each additional lot shown on the final subdivision map at the request of the City Planning Commission, the sum of fifty cents ($0.50); such additional fee to be paid prior to the submission of said final subdivision map to the City Council for approval.

(B) The provisions of this ordinance shall not apply to subdivision maps filed by various departments of the government of the City of Los Angeles who do not control their own funds, but shall apply to the Board of Education, the Departments of Harbor, Library, Parks, Playground and Recreation, Pension, and Water & Power, all of which control their own funds.

(C) For the purpose of this ordinance, "second tentative subdivision" shall mean a map involving a revised arrangement of any property for which a tentative subdivision map has previously been submitted, but in no case including additional area unless first approved by the City Planning Commission.

Section 21. Where the zone of any property shown on a zone map adopted by ordinance prior to the effective date of this ordinance is changed from said zone to a more restricted zone under Article 2, Section 1 of this ordinance, the provisions of said Article 2 shall not become operative as to such property for a period of ninety (90) days from the effective date of said Article 2, and during such ninety (90) day period the zoning regulations in force immediately prior to the effective date of said Article shall apply.

Section 22. That Article 8 of Chapter 1 of the Los Angeles Municipal Code and paragraph (d) Section 31.11 of Article 1, Chapter 3 of said Code, be and the same are hereby repealed; and that Or-

dinance No. 19,534 (N.S.), Ordinance No. 31,746 (N.S.), Ordinance No. 44,434 (N.S.), Ordinance No. 58,647 and Ordinance No. 65,050 and all ordinances amendatory to said ordinance be, and the same are hereby repealed.

Section 23. The City Clerk shall certify to the passage of this ordinance and cause the same to be published once in The Los Angeles Daily Journal and The Los Angeles News.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles of February 28, 1946, and was passed at its meeting of March 7, 1946.

WALTER C. PETERSON,
City Clerk.

By A. M. MORRIS,
Asst. City Clerk.

Approved this 15th day of March, 1946.

FLETCHER BOWRON,
Mayor.

File No. 21084.

[Endorsed]: Filed Nov. 14, 1947. [55]

In the United States District Court, Southern District of California, Central Division

No. 7765-P H

HENRY WALLACE WINCHESTER, et al.,
Plaintiffs,

vs.

J. D. GREGG, and the CITY OF LOS ANGELES, a municipal corporation,
Defendants.

TEMPORARY RESTRAINING ORDER

It appearing by the verified complaint, herein, that immediate and irreparable injury, loss, and damage, will result before notice can be served and a hearing had thereon, and other good cause appearing therefor, it is hereby ordered that the defendants herein, their agents, servants, representatives and employees be and they are hereby restrained, pending the further order of the Court herein, from excavating, or conducting any other operation for the production of rock, sand, or gravel within or upon that certain real property described in plaintiffs' complaint herein and known and described as follows, to wit: Lots 1, 2, 4, 5, 6, 7, 13 and 14 in Block 19; the Easterly 150 feet of Lot 12 in Block 8; Lots 4 to 9 inclusive, and Lots 15 to 19 inclusive, and Lots 21 and 22, and the Easterly 280 feet of Lot 14, in Block 17; of the Los Angeles Land and Water Company's subdivision of a part of the Maclay Rancho as per map recorded in [57] Book 3 of Maps at Pages 17 and 18 in the Office of the County Recorder of Los Angeles County, California.

This temporary restraining order is issued because it appears to the Court that unless immediately restrained, said defendant John D. Gregg will continue to excavate with a six ton power shovel upon the land covered by the variance permit described in the Complaint herein, for production of rock, sand, and gravel, from said land and will remove said materials from said property, and dispose of them in the market, and that the conduct of said operations will seriously, substantially, and irreparably damage plaintiffs, by interferring with their comfortable enjoyment and use of their respective properties and homes described in the Complaint herein, and depreciating the value of their said properties respectively, and by creating a large deep pit upon the property excavated, which cannot reasonably be refilled and which will constitute permanently a hazard and detriment to the health and safety of said plaintiffs and their families, and to their said properties.

This order shall be effective upon plaintiffs furnishing and filing with the Clerk of the above-entitled court a written undertaking on the part of the plaintiffs with a surety company as surety, to the effect that they will pay to the defendants such costs and damages not exceeding the sum of $5000.00 as the defendants may incur or sustain by reason of the foregoing restraining order if the court finally decides that the defendants were wrongfully restrained herein.

Dated this 15th day of November, 1947.

/s/ PEIRSON M. HALL,
Judge.

[Endorsed]: Filed Nov. 15, 1947. [58]

[Title of District Court and Cause.]

NOTICE OF AND MOTION TO DISMISS FOR LACK OF JURISDICTION OF SUBJECT-MATTER

To the Plaintiffs Above Named and to Oliver O. Clark and Robert A. Smith, Attorneys for Plaintiffs:

You Will Please Take Notice that on the 8th day of December, 1947, at the hour of 10:00 o'clock a.m., or as soon thereafter as counsel may be heard in the court room of Judge Peirson M. Hall, Court Room Number 3, Second Floor Post Office and Courthouse Building, Los Angeles, California, Defendant J. D. Gregg will separately move, and hereby does move, the said court to dismiss the action on the ground that the court lacks jurisdiction because it appears on the face of the complaint that no federal question is involved sufficient to invoke the jurisdiction [59] of the United States District Court.

Said motion will be made and based on the complaint in equity for injunction and damages on file in the above-entitled cause and will be made upon the ground that no substantial federal question is involved.

Dated December 1, 1947.

/s/ DONALD J. DUNNE,
WOOD, CRUMP, ROGERS, ARNDT & EVANS,
/s/ GUY RICHARDS CRUMP,
/s/ ROLLIN L. McNITT,
Attorneys for Defendant J. D. Gregg. [60]

Received copy of the within Notice of and Motion to Dismiss this 1st day of December, 1947, for Lack of Jurisdiction of Subject-Matter.

/s/ OLIVER O. CLARK,
By /s/ M. BAILUS,
Attorney for Plaintiffs.

[Endorsed]: Filed Dec. 1, 1947. [61]

[Title of District Court and Cause.]

MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER

Comes now defendant J. D. Gregg, for himself alone, and moves the court for an order dissolving the temporary restraining order granted herein on the 15th day of November, 1947, upon the grounds that:

(1) The temporary restraining order was granted in violation of Rule 65(b) of the Rules of Civil Procedure for the District Courts of the United States in that:

(a) No specific facts are set forth in the complaint that immediate injury, loss or damage would result to the plaintiffs before notice of the application could have been served and a hearing had thereon;

(b) No specific facts are set forth in the complaint that irreparable injury, loss or damage

would result to the plaintiffs before notice of the application could have been served and a hearing [62] had thereon;

(c) The temporary restraining order does not define the injury, nor does it state why the injury is irreparable;

(d) The temporary restraining order does not state why it was granted without notice.

(2) The complaint fails to state a claim against this defendant upon which relief can be granted.

(3) This court has no jurisdiction of the subject matter of the case which would authorize it to grant a temporary restraining order, in that there is no federal question involved and no diversity of citizenship.

This motion is made and based upon the notice of motion herein, upon the complaint upon which the temporary restraining order was granted, and upon the records and files in this action.

Dated November 29, 1947.

DONALD J. DUNNE,
WOOD, CRUMP, ROGERS,
ARNDT & EVANS,
ROLLIN McNITT,
/s/ GUY RICHARDS CRUMP,
Attorneys for defendant
J. D. Gregg. [63]

STATEMENT OF REASONS IN SUPPORT OF MOTION TO DISSOLVE TEMPORARY RESTRAINING ORDER

The motion of defendant J. D. Gregg is based upon the fact:

(1) That the complaint fails to state a claim against this defendant upon which relief can be granted;

(2) That no federal question is stated;

(3) That the complaint does not show any necessity for the issuance of a temporary restraining order without notice;

(4) That the provisions of Rule 65b of the Rules of Federal Procedure have not been followed in the order, in that:

(a) No specific facts are set forth in the complaint that immediate injury, loss or damage would result to the plaintiffs before notice of the application could have been served and a hearing had thereon;

(b) No specific facts are set forth in the complaint that irreparable injury, loss or damage would result to the plaintiffs before notice of the application could have been served and a hearing had thereon;

(c) The temporary restraining order does not define the injury, nor does it state why the injury is irreparable;

(d) The temporary restraining order does not state why it was granted without notice. [64]

POINTS AND AUTHORITIES

Rule 65 of the Rules of Civil Procedure for the District Courts of the United States.

"Rule 65. Injunctions

"(a) Preliminary; Notice. No preliminary injunction shall be issued without notice to the adverse party.

"(b) Temporary Restraining Order; Notice; Hearing; Duration. No temporary restraining order shall be granted without notice to the adverse party unless it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before notice can be served and a hearing had thereon. Every temporary restraining order granted without notice shall be indorsed with the date and hour of issuance; shall be filed forthwith in the clerk's office and entered of record; shall define the injury and state why it is irreparable and why the order was granted without notice; and shall expire by its terms within such time after entry, not to exceed 10 days, as the court fixes, unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. In case a temporary restraining order is granted without notice, the motion for a preliminary injunction shall be set down for hearing at the earliest possible time and takes precedence of all matters except older matters of the same character; and when the motion comes on

for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and, if he does not do so, the court shall dissolve the temporary restraining order. On 2 [65] days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution or modification and in that event the court shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

"(c) Security. No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained. No such security shall be required of the United States or of any officer or agency thereof.

"(d) Form and Scope of Injunction or Restraining Order. Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; shall describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained; and is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

"(e) Employer and Employee; Interpleader; Constitutional Cases. These rules do not modify the Act of October 15, 1914, c. 323, Secs. 1 and 20 (38 Stat. 730), U.S.C., Title 29, Secs. 52 and 53, or the Act of March 23, 1932, c. 90 (47 Stat. 70), U. S. C., Title 29, c. 6, relating to temporary restraining orders and preliminary injunctions in actions affecting employer and employee; or the provisions of Section 24 (26) of the Jndicial Code as amended, U.S.C., Title 28, Sec. 41 (26), relating to preliminary injunctions in actions of interpleader or in the nature [66] of interpleader; or the Act of August 24, 1937, c. 754, Sec. 3, relating to actions to enjoin the enforcement of acts of Congress.

Lawrence vs. St. Louis-San Francisco Ry. Co., 274 U. S. 588, 71 L. Ed. 1219.

United Railroads vs. City and County of San Francisco (C.C. N.D. Cal.), 180 Fed. 948.

Worth Manfg. Co. vs. Bingham (C.C.A. 4-1902), 116 Fed. 785.

Harness vs. City of Englewood (D.C.D. Colo.-1930), 15 Fed. Supp. 140.

We refer to, and by reference make a part hereof, the points and authorities filed concurrently herewith in opposition to the application for a preliminary or interlocutory injunction. [67]

Received copy of the within Motion Statement of Points and Authorities this 1st day of December, 1947.

/s/ OLIVER O. CLARK,

By /s/ M. BAILUS.

[Endorsed]: Filed Dec. 1, 1947. [68]

In the United States District Court, Southern District of California, Central Division

No. 7765-P. H.

HENRY WALLACE WINCHESTER, et al.,
Plaintiffs,

vs.

J. D. GREGG and the CITY OF LOS ANGELES, a municipal corporation,
Defendants.

AFFIDAVIT OF JOHN D. GREGG IN OPPOSITION TO APPLICATION FOR PRELIMINARY INJUNCTION

State of California,
County of Los Angeles—ss.

John D. Gregg, being first duly sworn on oath, deposes and says:

That he is one of the defendants in the above entitled action and is the person described as the owner of the real property in Paragraph IV of plaintiffs' Complaint in Equity herein; that ever since the year 1934 affiant has been operating a rock, sand and gravel pit and processing plant on the real property immediately adjoining the real property described in Paragraph IV of said Complaint in Equity and lying southerly of Gleanoaks Boulevard; that the excavation of rock, sand and gravel in the manner employed by this affiffiant, to-wit, by causing the banks of the excavation to

be dampened and by removing the said rock, sand and gravel with an electric shovel and transporting the same to a processing plant by a conveyor belt system, does not cause any dirt or dust to arise in such a manner as the same would or does pollute the air or travel beyond the property lines of the real property described in Paragraph IV of [70] plaintiffs' Complaint in Equity or be deposited upon the properties, or upon the homes, or upon the persons of plaintiffs, or any of them, or upon any other persons beyond the limits of affiant's said property; that it is not a natural or necessary consequence of the excavation for commercial production of rock, sand or gravel in the manner proposed by affiant that such operation would cause a polution of the air, or constitute a dangerous, obnoxious or deleterious condition either upon the premises of the said plaintiffs, or upon the highways, or upon any places of public gatherings otherwise, or at all; that on the contrary, the operations which have been conducted by affiant since the year 1934 on the immediately adjoining premises have not, and do not, cause any dust, dirt, or polution of the air whatsoever.

Affiant further states that neither the operation of an electric shovel for excavation purposes on the said property, nor the operation of a primary crusher upon said property would cause any loud, rasping, grinding, or obnoxious noises which could be heard beyond the property limits of said property and that such operations would not as a natural or necessary consequence thereof substantially or

materially, or otherwise, disturb said plaintiffs, or any of them, or any other persons whomsoever, or impair or diminish the free and proper use of their properties and homes in any manner whatsoever;

That it is not true that there is any reasonable possibility or expectancy that the side walls of any excavation made by affiant in the manner designated and provided in the permit granted by the City of Los Angeles would cause erosion or recession thereof, which in any way would, or could, encroach upon any of the lands which bound the so-called "critical area" or upon any public streets or highways or upon any lands abutting upon streets opposite said "critical area"; that on the contrary, the slope which will be maintained by affiant, to-wit; one (1) foot of horizontal to one (1) foot of vertical decline, would make it a physical impossibility for any recession of the said excavation walls to occur, and that excavation at such a slope is in accordance with good and recognized engineering practice and approved by the Department of Engineering of the City of Los Angeles in all respects.

Affiant further states that it is not true that this defendant's real property described in Paragraph IV of plaintiffs' Complaint in Equity, [71] or any of the real property described in plaintiffs' Complaint in Equity as the "critical area" or the "community area" has for many years been zoned or classified as lands adapted to residential use only. It is true that in the year 1920 the City of Los Angeles adopted Ordinance No. 33761, which provided by its terms that all property not then other-

wise in use should be used for residential property unless an exception was granted. But said Ordinance did not prohibit the granting of exceptions for the conduct of rock and gravel operations upon said lands. And in the year 1934 an exception was granted from the provisions of Ordinance 33761, authorizing affiant to use the property on which he now operates his commercial rock, sand and gravel processing plant from the provisions of said Ordinance; that said Ordinance No. 33761 is generally known and described as the Status Quo Ordinance, which remained in effect until such time as the City of Los Angeles adopted a comprehensive zoning plan covering the real property located in the San Fernando Valley area; that no comprehensive zoning plan including the property described in plaintiffs' Complaint in Equity as a "critical area" or the "community area" was ever adopted in the City of Los Angeles until the enactment of Ordinance 90,500, which became effective June 2, 1946.

That prior to the adoption of Ordinance 90,500 the Department of City Planning determined that the real property included in the critical area should be zoned as in Zone M-3, where unlimited industrial use is permitted, and for almost two years the said property described as a "critical area" was included on tentative maps relating to the proposed comprehensive zoning ordinance as property to be zoned in Zone M-3. But immediately before the adoption of Ordinance 90,500 the Department of Planning decided that the best interests of the community would be served if the property was not zoned M-3,

which would allow unlimited and varied uses, but as a substitute therefor a procedure was adopted known as the Conditional Use Permit, whereby the land in the critical area could be devoted to its best use, namely the development of its natural resources by the production of rock, sand and gravel, under such terms and conditions [72] as would safeguard the public in general and pursuant thereto Section 12.24 of the Los Angeles Municipal Code was adopted as a part of Ordinance 90,500.

That on June 2, 1946, and pursuant to the provisions of Section 12.24 of the Los Angeles Municipal Code, affiant filed an application with the City Planning Commission of the City of Los Angeles requesting that a Conditional Use Permit be issued to him authorizing him to use the real property owned by him and described as in Paragraph IV of plaintiffs' Complaint in Equity, for the purpose of mining of rock, sand and gravel.

That thereafter and pursuant to the procedure prescribed by Section 12.32 C of the Los Angeles Municipal Code, the City Planning Commission caused the application for said Conditional Use Permit to be set for public hearing on August 20, 1946. Said matter came on for hearing before said Commission on August 20, 1946, and at said time approximately 400 people attended said hearing. Your affiant and those who opposed the granting of the application were given approximately the same amount of time in order to present their respective cases. Said hearing consumed in excess of three hours.

At that meeting Wm. R. Woodruff, an Associate Planner for the Planning Commission of the City of Los Angeles, filed an instrument in writing entitled "Report to the Director of Planning, the City Planning Commission and the Zoning Administrator, City Plan Case No. 962, John D. Gregg," and read said report in its entirety to the Planning Commission. A copy of said report is attached hereto, marked Exhibit "B" and made a part hereof. Said report provided among other things as follows:

"The applicant has a modern rock crusher plant located in the M-3 zone on Tujunga Avenue near Bradley Avenue. This plant is modern in all respects and is very free from dust usually associated with rock crushers. This plant has been in operation many years and with the exception of a small acreage adjacent to Glenoaks Boulevard the property now zoned for rock crusher purposes has been exhausted. The pit has an average depth of approximately 100 feet, with the top 40 feet being of exceptionally high quality material and the lower 60 feet of a lesser desirable material, but still acceptable by the trade to meet their specifications, provided the same is mixed with the top 40 feet. If this conditional use is approved by the Commission applicant proposes to excavate the property involved to the same depth (approximately 100 feet) and will move the material thus excavated to the existing plant by belt conveyors which will be tunneled under Glenoaks Boulevard at Peoria Street to serve the area lying between Peoria and Wicks Street and across Glenoaks Boulevard approxi-

mately 150 feet southeasterly to serve the area between Peoria and Pendleton Streets. An application is now pending before the Board of Public Works for the installation of these conveyors across the public streets involved. It is understood that the Board of Public Works will communicate their recommendation in this regard to the Planning Commission in the near future. The applicant states that their present intent for the development of the property will be by an electric shovel rather than the common steam shovel type and the principal machinery will be a primary rock crusher located in the pit not closer than 250 to 300 feet from any boundary. This primary crusher must be located within the pit since the conveyor belt is only designed to handle rocks up to a 7 inch diameter. This primary crusher is so designed that the gravel and smaller rocks fall through [74] steel spacing bars onto the conveyor belt and the larger rocks fall into a hopper which feeds the primary crusher. This crusher creates a certain amount of noise which was not audible from the adjoining bank adjacent to Glenoaks Boulevard. It might be desirable if this application is granted to reserve the right to require soundproofing or directional baffle plating if the noise from the same becomes objectionable to surrounding private ownerships."

Thereafter said Planning Commission of the City of Los Angeles denied the application to your affiant whereupon your applicant pursuant to the procedure prescribed in Section 12.24 Subsection C of

the Los Angeles Municipal Code, filed his appeal with the City Council from the decision of the City Planning Commission.

Thereafter said City Council caused the appeal of your affiant to be referred to its City Planning Committee and said City Planning Committee, pursuant to the provisions of Section 12.32 E of the Los Angeles Municipal Code, caused the same to be set for public hearing on September 27, 1946, and on said date a public hearing was held. The applicant and those opposing the granting of the appeal were given an equal amount of time to present their respective cases. Said hearing consumed approximately three hours. At said hearing approximately 250 persons were present. At said hearing the City Planning Committee had before it the complete file of the City Planning Commission and in addition thereto received additional evidence, both oral and documentary. After said hearing City Planning Committee voted unanimously to recommend to the City Council that the appeal of affiant be granted, and on October 2, 1946, said Planning Committee made its report to the City Council. A copy of the excerpts from the minutes of the City Council of the City of Los Angeles of its meeting held October 2, 1946, is attached hereto, marked Exhibit "C" and made a part hereof.

That on October 2, 1946, at or about 10:30 a.m. the matter of the Planning Committee report came on for hearing before the City Council. At that time it was announced that certain persons were in the council room who [75] would like to be heard upon

the matter. The President of the City Council announced that if there were no objections the usual twenty minutes would be allotted to each side with ten minutes for rebuttal to the applicant. The matter proceeded to hearing and both sides were allotted approximately twenty minutes. However, the Council consumed in excess of two hours at said hearing, the most of the two hours was consumed by discussions between the several councilmen on certain motions and the Council calling witnesses on its own behalf.

At the conclusion of said hearing a motion to adopt the report of the Planning Committee granting the appeal of John D. Gregg on the conditions in said report, was adopted, by a vote of eleven ayes and two noes.

At said hearing before the City Council the said Council had before it the complete file of the City Planning Commission and its Planning Committee, and prior to said hearing all of the members of the Planning Committee of the City Council, three in number, and several other councilmen, viewed the premises involved in the application.

Said permit was granted on the following conditions:

1. That the applicant construct a 6-foot cyclone type mesh wire fence around the said property, including barbed wire on the top of said fence providing the Fire Department grants permission for same.

2. That no permanent plant building or structure be installed or maintained on said property and that all material excavated be mined by an electrically powered shovel and primary crusher and transported by a conveyor belt system running through a tunnel or tunnels under Glenoaks Boulevard to the plant now owned and operated by applicant, lying southwesterly of said Boulevard and processed at said plant.
3. That a setback line of fifty feet from all property lines and existing streets be maintained and that slopes of excavations be maintained at one foot to one foot.
4. That the area between all property lines or street line and 50 foot setback be screen planted progressively as excavated.

Your affiant states that he has: [76]

1. Caused a 6-foot cyclone type wire mesh fence to be placed around the said property and that he has obtained permission from the Fire Department of the City of Los Angeles to cause a barbed wire strand to be placed on the top of said 6-foot cyclone type fence, and at date hereof he has actually and substantially fenced the property, and has expended a large sum of money so as to properly install said fence.
2. Agreed that he will not permit a permanent plant building or structure to be installed or maintained on said property and that all material excavated shall be mined by an electri-

cally powered shovel, which shovel has been actually purchased at a cost of about $100,000, and after the materials are crushed by a primary crusher, the same will be transported by a conveyor belt system running through a tunnel or tunnels under Glenoaks Boulevard to the plant now owned and operated by applicant, lying southwesterly of said Glenoaks Boulevard and processed at said plant, which tunnel and conveyor, has been installed at great cost.

3. Arranged to maintain a setback line of fifty feet from all existing property lines and existing streets, and slopes of excavations will be maintained at one foot of horizontal to one foot of vertical incline.
4. Arranged so that the area between property lines and street lines and the 50 foot setback which he will maintain will be screen planted progressively as excavations proceed.

That affiant for approximately fifteen years last past has operated the rock, sand and gravel excavation and processing business lying southerly of Glenoaks Boulevard and adjacent to the property described in plaintiffs' Complaint in Equity: that a portion of the property described in plaintiffs' Complaint in Equity and included in the said Conditional Use Permit, to-wit, a strip of property approximately 150 feet deep lying southerly of Glenoaks Boulevard, is now being excavated by affiant pursuant to the terms of said Conditional Use Permit; that affiant's plant has a daily capacity of

about 5,000 tons of material and that affiant has exhausted by excavation all of the material lying within the area wherein operations have been conducted under the variance granted to affiant in 1934 excepting those portions thereof which [77] are occupied by affiant's processing plant and stockpiles which it is necessary to maintain and that the only source of supply in the vicinity and available to affiant is the real property upon which plaintiffs seek to enjoin commercial production of rock, sand and gravel; that subsequent to the granting of said Conditional Use Permit affiant proceeded to and did cause a tunnel to be placed under Glenoaks Boulevard at the corner of Peoria Street pursuant to the terms of said Conditional Use Permit and pursuant to the terms of the permit issued to affiant by the Board of Public Works of the City of Los Angeles; that affiant has expended large sums of money installing said tunnel and installing therein machinery for the operation of a conveyor belt to convey materials through said tunnel and to affiant's processing plant; that subsequent to the issuance of said Conditional Use Permit and in reliance thereon affiant purchased and paid for a 6-yard electric shovel at a cost of approximately $100,000, and that the same has now been installed on said property; that in anticipation of the continued operation of said property affiant has expended several hundred thousand dollars for equipment and construction costs so as to extend such operations on to the so-called permit area lying northerly of Glenoaks Boulevard.

That subsequent to the issuance to affiant of said Conditional Use Permit and on or about the 22nd day of November, 1946 certain persons alleging to be owners of property in the vicinity covered by said permit filed an action in the Superior Court of the State of California in and for the County of Los Angeles entitled Jackson Earl Wheeler, et al, Plaintiffs vs. J. D. Gregg, et al, Defendants, and being numbered in the office of the Clerk of said Superior Court No. 522031.

That said Complaint is substantially identical with the Complaint in Equity filed by the plaintiffs in this proceeding and was prepared, filed and served by the same attorney who represents the plaintiffs in this proceeding; that said Complaint in that action alleges that the Complaint is brought on behalf of all persons owning property in the vicinity of plaintiffs' property and that both of said actions present identical issues.

That upon the filing of said action in the said Superior Court those [78] plaintiffs sought a temporary restraining order and preliminary injunction enjoining affiant from conducting any operations for the production of rock, sand and gravel on real property owned by affiant; that after hearing on notice in open Court, Honorable Henry M. Willis, Judge of the Superior Court, dissolved the Temporary Restraining Order and denied the Preliminary Injunction; that thereafter said action was set for trial in Department 15 of the Superior Court of Los Angeles County before Honorable Alfred L. Bartlett, Judge Presiding, and that said

trial commenced on the 28th day of May, 1947 and continued almost daily (with slight interruptions caused by the illness of the Court or counsel) until the judgment was entered therein on or about September 10, 1947; that said judgment denied plaintiffs any relief whatsoever excepting that the judgment by its terms required that the future operations of affiant be conditioned upon certain conditions therein set forth, and that said conditions set forth in said judgment have been and will be complied with;

That a true copy of the Complaint, Answer, Findings, Judgment and Notice of Appeal in said Superior Court Action No. 522031 are hereto attached marked Exhibit "D"; that each and all of said Findings of Fact are true and are made a part of this affidavit as though herein set out in full as the statements of this affiant; that said action is still pending on appeal and has not been determined.

That affiant is informed and believes and therefore alleges the fact to be that the real parties in interest in Superior Court Case No. 522031 and the real parties in interest in the within action No. 7765-PH are one and the same and that both of said actions have been and now are being prosecuted for the benefit of the same persons.

Affiant's only suitable source of materials for processing in his plant now consists of the property described in the Complaint in Equity herein as the "critical area"; that after the entry of judgment in the said Superior Court case, affiant commenced operations for the excavation of rock, sand

and gravel in that portion of the critical area lying southerly of Glenoaks Boulevard and also continued operations for the installation of equipment in that portion of said "critical area" lying northerly of Glenoaks Boulevard with the view of [79] conveying materials therefrom to affiant's plant by conveyor belt through the tunnel theretofore installed under Glenoaks Boulevard pursuant to the terms of said Conditional Use Permit; that affiant has spent large sums of money in said operation.

That if a Preliminary Injunction is granted in the within action, affiant will be unable to proceed with the production of rock, sand and gravel from the area therein involved and will therefore be required to shut down all operations in affiant's processing plant, and if affiant should prevail at a trial of the within action, affiant will have suffered great and irreparable damage in that it will then be necessary for affiant to spend considerable money in rehabilitating said processing plant and reactivating the same as well as the employment of entirely new crews of men.

That affiant has approximately 97 employees regularly employed in the operation of said plant and that affiant's monthly payroll aggregate approximately $31,000; that affiant's production from said plant is approximately 5,000 tons a day and that the gross sales from said plant approximate in excess of $120,000 a month; that affiant regularly employs from 30 to 40 independent truck operators in connection with the operation of said plant with a monthly truck payroll ranging from $10,000 to $20,000.

That affiant has approximately fifty rock, sand and gravel dealers who are entirely dependent upon affiant's plant for their supply of rock, sand and gravel, all of which are critical items in connection with the construction of homes, highways and other works; that affiant's plant produces approximately 30% to 35% of all the rock, sand and gravel which is produced in the San Fernando Valley and that there are no other plant facilities in said area capable of replacing affiant's production if affiant's plant is shut down; that the next nearest source of supply which would be available for use in the area now served by the San Fernando Valley is the San Gabriel Cone and that the additional cost of transporting rock, sand and gravel into the San Fernando Valley from the San Gabriel Cone in order to replace the shortage caused by shutting down affiant's plant would be from 50c to $1.00 a ton additional cost; that said additional cost would have the effect of increasing substantially the [80] price of aggregates now produced from the San Fernando Cone because of the increased "base price" so that the aggregate increased cost of such materials to consumers in the said area might aggregate several million dollars per year, all of which would greatly increase the price of construction work in the area.

That Consolidated Rock Products Company operates a rock plant immediately adjacent to affiant's plant and has a contract with the City of Los Angeles to furnish to the City of Los Angeles all of its requirements for rock, sand and gravel and

particularly all of its requirements of such materials at the City's hot asphalt plant located near Roscoe; that affiant has contracted with Consolidated Rock Products Company to underwrite and furnish up to one-half of such requirements; that such requirements of the City of Los Angeles range from 10,000 to 30,000 tons of materials per month and that if affiant is enjoined, as aforesaid, Consolidated Rock Products Company, because of its limited production of certain sizes of rock, would be unable to furnish the City with all of its said requirements if Consolidated were thus deprived of the said underwriting of said contract by affiant.

That if affiant is compelled to cease operations of his said plant it would be necessary to discharge some 97 employees in addition to the said independent truck operators because the discontinuance of operations at said plant would destroy all source of income to affiant from said plant and affiant would be unable to continue the heavy payroll expense; that affiant would be forced to pay heavy "standby" charges for taxes, connected electrical horsepower, insurance, maintenance, upkeep and other fixed charges, the amount of which it is difficult to estimate; that by reason of said charges together with loss of all income affiant would suffer a minimum loss of at least $5,000 a day during the period of said plant is shut down; that affiant has entered into contracts for the purchase of and has purchased and paid for conveyor belts, conveyors, equipment, electrical shovel and other equipment for the operation of said property at a cost

of several hundred thousand dollars, all of which would be useless to affiant except for salvage purposes if said plant or property were shut down.

That in order to allow affiant to continue the operation of his rock crushing plant lying southerly of Glenoaks Boulevard and thus avoid the [81] heavy loss and damage hereinabove averred, it is essential that affiant be allowed to continue his excavation operations not only southerly of Glenoaks Boulevard but also in that portion of the so-called "critical area" lying immediately northerly and adjacent to Glenoaks Boulevard at the point where affiant has already installed a tunnel and conveyor system and has already moved in the 6-yard shovel hereinabove mentioned for the following reasons:

That affiant is already excavating in the northerly 150 feet of Lot 12, which is immediately southerly of Glenoaks Boulevard and which is included in the so-called "critical area" or "permit area"; that as is hereinabove alleged said 150 foot strip is the only property southerly of Glenoaks Boulevard from which affiant can remove material excepting the area occupied by the rock crushing plant and stockpiles; that under the terms of affiant's Conditional Use Permit affiant must leave a 50 foot berm or setback from the southerly line of Glenoaks Boulevard and must slope the excavated bank one foot horizontal to one foot vertical; that Glenoaks Boulevard is now 40 feet in width and after allowing for the widening of Glenoaks

Boulevard to 100 feet and allowing for the 50 foot setback from that point and a one to one slope, there remains in said Lot 12 a total of only 151,410 tons of material as of November 18, 1947, and that said material is being consumed at the rate of approximately 5,000 tons a day so that as of December 8, 1947, which is the date set for hearing of the Order to Show Cause in re Preliminary Injunction herein, there will remain in said Lot 12 only 81,410 tons of material which will supply the rock crushing plant for a period of only three weeks and one day, and that when said material has been excavated it will be necessary to shut said plant down unless material from northerly of Glenoaks Boulevard is then available; that in order to have material from northerly of Glenoaks Boulevard available at the end of said period, it is necessary that a "surge pile" of material be accumulated at the southerly end of the conveyor belt system from when said material is transferred to another conveyor belt system for transportation to said plant; that said "surge pile" can only be accumulated by material excavated northerly of Glenoaks Boulevard and thence transported on the conveyor belt system through the tunnel under Glenoaks Boulevard to the southerly end of said belt [82] where it is deposited; that said "surge pile" cannot be operated until a considerable tonnage of material has been deposited thereon, to-wit, approximately 166,400 tons of material, and that it will take about six weeks to accumulate said "surge pile" in a sufficient quantity to permit its

operation in connection with the rock plant; hence if affiant is not allowed to excavate immediately northerly of Glenoaks Boulevard, he will have no "surge pile" available at the time that the available material southerly of Glenoaks Boulevard is exhausted, which will be in approximately three weeks and one day from December 8, 1947; hence if affiant is not allowed to immediately operate northerly of Glenoaks Boulevard, his plant will be shut down for lack of material at the end of said period of time.

That none of the plaintiffs named in the above action can be injured in any manner whatsoever by operations conducted by affiant northerly of Glenoaks Boulevard at the intersection of Peoria Street, which is the point where the conveyor belt tunnel and 6-yard shovel is now situated for the following reasons:

The location of the residences of the named plaintiffs is set forth in Paragraph XX of plaintiffs' Complaint in Equity herein and there is attached to said Complaint a map of the area in question; a reference to the allegations of said Paragraph and to said map discloses that those plaintiffs who it is alleged live on Allegheny Street reside more than one-half mile away from the point of the operations northerly of Glenoaks Boulevard at the intersection of Peoria Street; and that those plaintiffs who it is alleged live on Sunland Boulevard and Stonehurst Boulevard and Art Street and Fenway Avenue reside even a greater distance

away from said operation; and that those defendants who it is alleged reside on Wicks Avenue are located approximately 1,500 or more feet away from said operation; that said map reveals an area colored in yellow and entitled "Unrestricted Area," and that nearly all of said area is a rock, sand and gravel operation conducted by the Consolidated Rock Products Company; that said map discloses that some of the plaintiffs who live on Wicks Avenue reside within a few hundred feet or less of said Consolidated Rock Products Company property, whereas they are many times that far distant from the proposed operations of [83] affiant northerly of Glenoaks Boulevard at the intersection of Peoria Street; that many of said plaintiffs have for many years last past lived immediately adjacent to or in the vicinity of rock, sand and gravel operations and that most of said plaintiffs have purchased their said properties long since operations for the excavations of rock, sand and gravel were commenced in said area; that said area including the so-called "critical area" has long been generally known to be rock and gravel producing land; that the distance from affiant's operations at the northerly intersection of Peoria Street and Glenoaks Boulevard to the properties of plaintiffs is in most cases substantially the same as the distance from the operations which have long been conducted southerly of Glenoaks Boulevard and that the progress of excavation operations northerly of Glenoaks Boulevard during the pendency of this action will not be such

as to substantially change such relative distances; hence affiant alleges that the continuance of operations northerly of Glenoaks Boulevard during the pendency of this action can cause no substantial damage to any of said plaintiffs.

That other rock crushing plants and rock and gravel excavations have been and now are operated within the city limits of the City of Los Angeles much more closely situated to places of human habitation and residential districts than the property of defendant Gregg in this action, and with respect to many of said rock plants and rock and gravel excavations there are numerous residences and places of habitation nearby and within a few feet of such rock plants and excavations, and that some of said rock plants and excavations are substantially surrounded by closely built up residential districts; that in and about the vicinity of Roscoe are public parks and playgrounds which have been established by the City of Los Angeles adjacent to operating rock plants and excavations; that Fernangeles Playground, which is located at the corner of Laurel Canyon Boulevard and Wicks Street is situated within approximately 400 feet of the plant and excavation now being operated by Granite Materials Company; that immediately adjacent to said plant of Granite Materials Company and within 200 feet thereof there is located a residential district consisting of between 75 and 100 dwellings, [84] all of which have been built since said plant has been operating and within the past

nine months; that the Roscoe Park and Playground is situated immediately adjacent to the plant and excavation of Blue Diamond Corporation and is separated from said plant and excavation by a roadway not more than 40 feet wide and that said park and playground was established in said location by the City of Los Angeles many years subsequent to the commencement of operations by Blue Diamond Corporation and its predecessors on said property; that immediately adjacent to said Blue Diamond Corporation property are located dwelling houses which are separated from said operation by a roadway not more than 40 feet in width; that immediately adjoining the rock and gravel excavation located at the intersection of Victory and Vineland Boulevards, there is a residential district located within 50 feet of the said excavation and extending from that point westerly for several blocks and that said residential district has been established within the last six months and since said pit was excavated; that the City of Los Angeles within the last year has constructed and is now maintaining and operating the Fair Avenue public grammar school located within 400 feet of said Victory and Vineland excavation; that in the City of Arcadia the Blue Diamond Corporation is presently operating a rock and gravel plant and that immediately adjacent thereto is a residential district consisting of over 225 houses which have been built within the past year and that said residences are located within 200 feet

of said rock operation; that with respect to said Granite Materials Company plant hereinabove referred to, there is at this time a new residential development comprising approximately 256 houses being constructed within approximately 1,500 feet of said rock plant; that the operation of said rock plants, as hereinabove set forth, and the excavations at the locations hereinabove mentioned has not destroyed or depreciated or substantially affected the value of the adjoining properties for residential use, all as is evidenced by the facts hereinabove set forth.

That for many years last past there has existed a rock and gravel excavation on Pendleton Street which was made by the City of Los Angeles [85] in connection with the construction of the Hollywood Dam and that said excavation is closer to the properties of many of the plaintiffs herein than the operation of defendant John D. Gregg; that there is now and for many years last past have been maintained by the City of Burbank and by the City of Los Angeles on Pendleton Avenue two dumps wherein there is daily deposited large amounts of rubbish, trash and refuse some of which is burned therein causing large clouds of smoke to arise daily and that one of said dumps is located within the said so-called "community area" and the other of said dumps is located immediately adjacent thereto.

That the commercial operation upon said property by affiant for the production of rock, sand

and gravel does not as a matter of law, constitute a nuisance per se, and cannot as appears from this affidavit and the aerial map of the property involved, which map is attached hereto, marked Exhibit "A," and made a part hereof, constitute a nuisance in fact.

That said aerial map was flown June 6, 1946, and prior to the time that the said Conditional Use Permit was granted to affiant and that said map was presented to the Planning Committee of the Los Angeles City Council as a part of the Exhibits presented at the said hearing. That outlined in red upon said map is the property which is included within the said Conditional Use Permit and from said aerial map it is evident that said property is within the ancient water course of the east branch of the Tujunga Wash and is in fact rock land.

That attached hereto marked Exhibits "A-1" and "A-2" and made a part hereof are two aerial maps which were flown on or about the 19th day of November, 1947, and that said maps show the operations being currently conducted as above described [86] by affiant in that portion of the critical or permit area lying southerly of Glenoaks Boulevard and likewise the installations of equipment and shovel which had been made northerly of Glenoaks Boulevard at the intersection of Peoria Street; that from said maps it would appear evident that if affiant be enjoined from operations

northerly of Glenoaks Boulevard, that his source of material southerly of Glenoaks Boulevard now zoned for excavation under Conditional Use Permit will be completely exhausted within three weeks from December 8, 1947, as hereinabove alleged, and that there is no other property lying southerly of Glenoaks Boulevard which is available for excavation. Said maps also show that portion of affiant's property lying southerly of Glenoaks Boulevard which is now occupied by existing plant facilities and stockpiles and which is therefore not available for excavating purposes.

That there is also attached hereto marked Exhibit "A-3" a diagram drawn to scale showing the present excavation operations of defendant southerly of Glenoaks Boulevard and showing the limited amount of material remaining available for excavation, all as hereinabove set forth.

That the area outlined in red on the map attached to plaintiffs' Complaint in Equity does not constitute a true, or any "community area"; that said line is an arbitrary line which has been purposely selected by plaintiffs for the purpose of excluding therefrom existing industrial and rock, sand and gravel operations; that if, as alleged in plaintiffs' Complaint, an area of 3,000 feet from the outer boundaries of all sides of the so-called "critical area" were included in the so-called "community area," said area would include the present rock operations of John D. Gregg and of Consolidated Rock Products Company and of the Arrow Rock

Company and would also include at least one hot asphalt plant, the Burbank City Dump and another private dump; that over a period of years in and immediately adjacent to said so-called "community area" there have been granted by the City Council of the City of Los Angeles numerous exceptions and variances authorizing many uses other than residential, such as rock plants, hot asphalt plants, slaughter houses, stables, riding academies, a winery and distillery (which is located immediately adjoining the so-called "critical area") and other non-residential uses; that the land designated in the [87] Complaint in Equity as the "critical area," which is the land in connection with which the said Conditional Use Permit was granted, is situated in the ancient water course of the east branch of the Tujunga Wash and prior to the construction of Hansen Dam said land was periodically inundated as a result of which a deposit of rock, sand and gravel approximately 100 feet in depth and comprising most of said area has been accumulated and deposited by the action of said water in connection with said inundation over a long period of years; that the character of said land because of the rock and sand content of the ground, the irregular contours and gulleys crossing the same, is unsuitable for use for any purpose except for the production of rock, sand and gravel; that with the exception of three or four small residences which were required by defendant and have since been removed, no attempt has ever been made to

apt any of said lands to residential, agricultural or other use and that said land has lain idle in its original state up to and including the present time;

That said land has no substantial value for residential or agricultural purposes for the reasons aforesaid but that said land has a very high and very substantial value to defendant for the production of rock, sand and gravel; that rock, sand and gravel can be produced only from property where it has been deposited by the action of nature and that if defendant were prohibited from removing said material the value of all of said land to defendant or to anyone else would be substantially destroyed;

That it is not true that the conduct of the City Council of the City of Los Angeles in granting said Conditional Use Permit was either abritrary or unreasonable or unfair or in excess of the limits of their authority but that on the contrary the resolution of said City Council granting said Conditional Use Permit was adopted only after thorough consideration of the matter and after a public hearing before the Planning Committee of the City Council and a second public hearing, although not required by law, before the City Council as a whole, at which hearings the protestants were given an opportunity to be fully heard and that said City Council at the time of the adoption of said resolution had before it the recommendation of its Planning Committee and all documentary

evidence which had been introduced by both affiant and the protestants at the hearings [88] before the Planning Commission of the City of Los Angeles and the Planning Committee of said City Council and that said act was and is within the power and authority given and granted to the City Council by the terms and provisions of Ordinance No. 90,500 of the City of Los Anegels, a copy of which is attached to plaintiffs' Complaint in Equity herein.

That by reason of the foregoing affiant respectfully submits that no Preliminary Injunction shall issue and if the Court should determine to issue a Preliminary Injunction in the within action that the bond to be furnished by plaintiffs in that regard should be not less than $500,000.00.

JOHN D. GREGG.

Subscribed and sworn to before me this 28th day of November, 1947.

/s/ D. J. DUNNE,
Notary Public in and for said County and State.

EXHIBIT B

REPORT

Report to the Director of Planning, the City Planning Commission and the Zoning Administrator

City Plan Case No. 962. John D. Gregg

Property Involved: Approximately 100 acres lying southeasterly of Glenoaks Boulevard between Wicks and Pendleton Streets.

Request: For the approval of a conditional use for the excavation of rock, sand and gravel and the installation and operation of such machinery as is necessary incidental thereto.

Findings: The property involved has a frontage of approximately 1800 feet on the southeasterly side of Wicks Street commencing approximately 900 feet from Glenoaks Boulevard, 2700 feet on the northeasterly side of Peoria Street, 2100 feet on the southeasterly side, excluding two 5-acre parcels, one on the northeasterly side being Lot 20 which has been acquired by the applicant and one on the southeasterly side being Lot 3 occupied by a winery and located 600 feet northeasterly of Glenoaks Boulevard, approximately 600 feet on the northeasterly side of Pendleton Street backing up to the winery and the adjoining 5-acre parcel to the northeast. This latter frontage is approximately 300 feet southwesterly of a hill running in an easterly and westerly direction and 600 feet from Glenoaks Boulevard. There is also a 150-foot parcel on the northwesterly side of Glenoaks Boule-

vard and on the southeasterly side of Peoria Street which connects to the present M-3 zone and adjoins the present operation of the applicant. All of the property involved is in the R-A zone including a 150-foot strip on the northwesterly side of Glenoaks Boulevard adjacent to the above mentioned M-3 zone.

The property is vacant with the exception of a few houses owned by the applicant on Peoria Street near Glenoaks Boulevard. There are single family residences on commercial acres along Wicks Street across from the property and the Park Department also has a development on this street adjacent to Dronfield Avenue which is the westerly boundary of the Stonehourst Subdivision, which lies northeasterly of the property involved and extends to [94] Clybourn and Stonehourst Avenues. On the southeasterly side of Pendleton Street there is a large excavation made by the Water Department in securing materials for one of the dams. There is also a combustible rubbish dump operated for the City of Burbank utilizing a portion of the Glenoaks Boulevard side of the pit which was granted as a war variance primarily as a salvage yard and which has now degenerated to a junk yard which does not even use good engineering principles in the filling of the hole and is apparently in violation of the variance grant.

At the time the field investigation of this property was being made a representative from the City Engineer's Office was present for a short time and a discussion ensued regarding a storm drain ease-

ment in the proximity of Lots 13 and 14, fronting Pendleton Street, which is to be used for the drainage of Hansen Canyon through which Sunland Boulevard traverses. There are natural channels crossing Lots 13 and 14 and it is the City Engineer's plan to create an alignment from the present outlet of the water course near Stonehourst and Clybourn Avenues and empty the same into the pit owned by the Water Department on the opposite side of Pendleton Street from the applicant's property.

The applicant has a modern rock crusher plant located in the M-3 zone on Tujunga Avenue near Bradley Avenue. This plant is modern in all respects and is very free from dust usually associated with rock crushers. This plant has been in operation many years and with the exception of a small acreage adjacent to Glenoaks Boulevard the property now zoned for rock crusher purposes has been exhausted. The pit has an average depth of approximately 100 feet, with the top 40 feet being of exceptionally high quality material and the lower 60 feet of a lesser desirable material, but still acceptable by the trade to meet their specifications, provided the same is mixed with the top 40 feet. If this conditional use is approved by the Commission applicant proposes to excavate the property involved to the same depth (approximately 100 feet) and will move the material thus excavated to the existing plant by belt conveyors which will be tunneled under Glenoaks Boulevard at Peoria [95] Street to serve the area lying between Peoria and Wicks Street and across Glenoaks Boulevard approxi-

mately 150 feet southeasterly to serve the area between Peoria and Pendleton Streets. An application is now pending before the Board of Public Works for the installation of these conveyors across the public streets involved. It is understood that the Board of Public Works will communicate their recommendations in this regard to the Planning Commission in the near future. The applicant states that their present intent for the development of the property will be by an electric shovel rather than the common steam shovel type and the principal machinery will be a primary rock crusher located in the pit not closer than 250 to 300 feet from any boundary. This primary crusher must be located within the pit since the conveyor belt is only designed to handle rocks up to a 7-inch diameter. This primary crusher is so designed that the gravel and smaller rocks fall through stell spacing bars on to the conveyor belt and the larger rocks fall into a hopper which feeds the primary crusher. This crusher creates a certain amount of noise which was not audible from the adjoining bank adjacent to Glenoaks Boulevard. It might be desirable if this application is granted to reserve the right to require soundproofing or directional baffle plating if the noise from the same becomes objectionable to surrounding private ownerships.

All of the streets involved on which the property fronts are only 40 feet in width with the exception of Dronfield Avenue which is 30 feet in width having been dedicated on an ultimate 60-foot width by the adjoining subdivider. Wicks, Peoria and Pendleton Streets are all planned as ultimate 60-foot

streets with Glenoaks Boulevard as a 100-foot street. The applicant proposes to set back 50 feet from the ultimate width of these streets and a one to one slope measured from the 50-foot width will be observed in digging the pit which will not exceed 100 feet in depth. This setback and slope ratio, together with the ultimate width, is satisfactory to the City Engineer's Office.

If this application is approved a substantial chain link [96] fence should be installed completely surrounding the property and including the existing pit where the present operations are being conducted. If the applicant so desire the fence could be progressively installed surrounding the property being worked.

Since, if this application is approved, the property will be removed forever from any possibility of subdivision due to the creation of an extremely deep pit that in all possibility will not be filled in this present generation, adequate protection should be given to the adjoining private property owners and an arrangement made whereby if the property is subdivided at a future date the adjoining dedication from the property involved should be assured. This should include all of the property around the periphery and around the islands created.

In the past huge stock piles amounting to small hills have been created on the surface adjacent to public streets and allowed to accumulate for many years. The applicant states that at the present time there is a demand for all types of materials

excavated from the pit, with the exception of a very fine powder which will be refilled into the existing pit. Similar restrictions should also be imposed if this application is granted for the back filling of stock piles that accumulate beyond a reasonable expected usage.

The applicant, in a previous report, submitted to the Commission and to the Director-Manager, brings out the fact that there will be an acute shortage of available rock and sand from the San Fernando Cone which consists of the deposits brought down by the Big and Little Tujunga Wash through geological ages. They also point out that a survey of probable future requirements indicate the anticipated demand to rise to 14 million tons per annum within 18 months and 22 million tons within 12 months later. The present production is approximately 8 million tons with a maximum production of 10 million tons annually during the boom of middle 20's. The report also brings out the fact that there is not now zoned sufficient available material to meet this anticipated demand without developing other areas extending into Ventura and San Bernardino Counties [97] which would materially increase the ton cost basis on the ton mile that the material must be transported. Aerial maps will be available showing all of the workings in the San Fernando Valley.

The Associate, as far as he could ascertain, could not find any agency that had made a survey of the rock and gravel deposits in this vicinity and it seemed to be the common sense of opinion of the

agencies contacted that no survey had been made since it was taken for granted that ample material in this area was available. In this respect the Associate contacted the following agencies who reported that they have made no survey and could give no suggestions as to where such a survey might be found:

1. Regional Planning Commission.
2. The County Flood Control (some information might be available from a study of the appraisals made at the time the property for the Hansen Dam was purchased for the Federal Government).
3. The State Highway Department.
4. United States Engineers.
5. City Maintenance Department.
6. City Engineer.
7. State Bureau of Mines.

If this application is approved there is no question that similar applications will be submitted by other rock and gravel interests and in all probability a precedent will be established that will make it very difficult to deny such applications, particularly in the area lying northeasterly of San Fernando Road in which area this application is located. To date no solution has been attained for any ultimate development of the property thus despoiled by the removal of material and the creation of an unfillable pit, except for the operation of a non-combustible and combustible rubbish pit either privately or publicly operated which will [98] not replace the tangle value of the property or

any blighting affects created on surrounding properties. Against this picture should be weighed the good created for the majority of the property owners within the City through the means of maintaining the present rock, sand and gravel prices at such time as a shortage results through the using up of the available material in the areas now zoned for rock and gravel production.

No recommendation is being submitted since it is felt that this is a policy matter which should be decided on its merits by the Commission and for their guidance if the application is approved, the following conditions are suggested:

1. Drainage Easements. That satisfactory easements be provided for any existing water course influencing or affecting the property at the request of the Board of Public Works or City Engineer (partially contained in letter to Commission from Board of Public Works).

2. Conveyors. That all requirements needed by the Board of Public Works or City Engineer regarding the crossing of public streets with conveyors present or future, be imposed. (Contained in letter to Commission from Board of Public Works.)

3. Street Dedication. That by acceptance of this conditional use and the utilization of the property for the purpose hereby permitted the applicant and any future owners, heirs or assigns agree, as follows:

(a) To furnish the owners share of easements for street purposes, without cost to the City

for the ultimate widening of Wicks Street, Peoria Street, Pendleton Street and Dronfield Avenue on a 60-foot basis and Glenoaks Boulevard on a 100-foot basis and the owners share of any necessary boundary streets. Said easements to be furnished at such time as requested by the City Council.

4. Distance of Pit From Boundary. That no excavations be made within 50 feet of any exterior boundary of the property involved or from the ultimate street line of any existing street.

5. Slope Ratio. That a minimum of a one to one slope incline ratio be maintained for the sides of any excavation made, measured from [99] the above mentioned 50-foot setback with the maximum depth of the pit limited to 100 feet.

6. Machinery and Location Primary Crusher. That all crushing of rock and grading of rock, sand and gravel, be performed in the existing plant located in the M-3 zone southwesterly of Glenoaks Boulevard with the exception of a primary crusher used for crushing rock into suitable sizes to fit conveyor belts, said primary crusher to be located at least 250 feet from any exterior boundary of the property and be so shielded that the noise from the same will not be materially objectionable to the occupants of surrounding property.

7. Removal of Material. That all materials to be processed be removed from the pit by conveyors and dug by electric shovels.

8. Reduction of Dust. That reasonable care be maintained at all times to reduce the dust created

in the excavation work to a minimum so as not to be a nuisance to occupants of adjoining property.

9. Disposal of Waste Material and Stock Piles. That all waste material be back filled into the pit created and all material stores in stock piles on the premises be below street level.

10. Permission for Inspection. That authorization be furnished the proper City Authorities for periodic inspection of the property in connection with the enforcement of the conditions imposed.

11. Fencing. That all portions of the property which is excavated and the existing pit on the applicant's adjoining property be fenced with a substantial chain link fence at least 7 feet in height. Said fencing may be delayed if such material is not now available until such time as same does become available and may be progressively installed prior to excavations being made if so desired.

12. Hours of operation?

WM. R. WOODRUFF,
City Planning Associate.

WRW:EQ
June 25, 1946. [100]

This is to certify that the foregoing instrument of seven pages is a true and correct copy of the report of William R. Woodruff, City Planning Associate, filed in City Plan Case 962 of the application of John D. Gregg for conditional permit.

/s/ EDITH S. JAMESON,
Secretary, City Planning Commision of City of Los Angeles. [101]